EC-2000-007
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February 26, 2002

United States Environmental Protection Agency
Enforcement and Compliance Docket and Information Center
Mail Code 2201A
1200 Pennsylvania Avenue, NW
Washington, DC 20460
Attn: Docket Number EC-2000-007

RE: Establishment of Electronic Reporting; Electronic Records; Proposed Rule
66 FR 46162-46195; August 31, 2001
Docket Number: EC-2000-007

Dear Document Control Officer:

The American Petroleum Institute (API) submits the attached comments to the U.S. Environmental Protection Agency (EPA) on the August 31, 2001 proposed rule to establish electronic reporting and recordkeeping requirements [66 *Federal Register* 46162-46195]. This rulemaking is of substantial interest to our members, who are subject to hundreds of reporting and recordkeeping regulations under Title 40 of the CFR. Our comments include a technical feasibility and cost evaluation of the proposal, which was prepared for API by information management system experts and is appended and made part of these comments.

API's main recommendations include the following:

- EPA should withdraw the proposed rule, and focus its efforts on enabling electronic reporting. The Agency should work with stakeholders to develop an electronic reporting system that is no more burdensome than paper reporting.

- EPA should reevaluate whether there is a need for electronic recordkeeping requirements. Electronic recordkeeping is currently allowed and widely practiced. If EPA believes that there are any circumstances in which electronic recordkeeping is not allowed, then EPA could promulgate a simple statement that any recordkeeping requirement in 40 CFR Title 40 may be satisfied by maintaining an electronic record. For any records that require a signature, EPA could accept a paper copy for the official signature and/or use the most straightforward standards available for e-signatures. If EPA believes that there are fraud concerns that need to be addressed, then the Agency should conduct a risk analysis, identify the particular areas of concern, and work with stakeholder groups to formulate specific ways to address the concerns.

- EPA should allow States, Tribes, and local entities to implement electronic reporting without mandates from EPA.

In summary, our main concerns include, but are not limited to, the following:

- EPA's assumption that companies currently use paper-only recordkeeping systems is false. Thus, the proposed recordkeeping requirements clearly would be mandatory, not voluntary. The proposed Title 40 CFR Part 3 Subpart C uses the language of mandatory requirements, and would be no more voluntary than any other Title 40 requirement. Therefore, the assertion that the requirements would be voluntary because companies could choose not to do electronic recordkeeping is incorrect.

- Changing existing electronic recordkeeping systems to meet the proposed requirements would be unnecessary, impractical, and extremely costly. The technical report attached to our comments discusses this issue in detail. A conservative estimate of the cost of the rule is $68 billion initially and $29 billion annually thereafter. The work required to alter systems to meet the proposed requirements would be on the order of the effort required to address the Y2K bug.

- EPA's proposed criteria for State electronic reporting systems are prescriptive mandates that would impede States' efforts to implement electronic reporting. States can, and in many cases already do, implement adequate electronic reporting systems without mandates from the Federal government. We anticipate many State agencies will file comments.

- EPA has failed to meet requirements of Executive Order 12866, the Paperwork Reduction Act, the Regulatory Flexibility Act, the Small Business Regulatory Enforcement Fairness Act, the Government Paperwork Elimination Act, the Unfunded Mandates Reform Act, Executive Order 13132, and Executive Order 13211. EPA has mischaracterized one of the potentially costliest proposed rules in recent memory as a voluntary, cost-saving proposal.

Feel free to contact me at [202/682-8344] or Robin Rorick [202/682-8083] from my staff if you have any questions about our comments. API would be happy to consider participating in work groups or other stakeholder activities that EPA may conduct on these issues.

Sincerely,

Lorraine E. Twerdok

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COMMENTS
OF THE

AMERICAN PETROLEUM INSTITUTE

Establishment of Electronic Reporting; Electronic Records
Proposed Rule

Docket Number EC-2000-007

[FRL-7045-5]

66 FR 46162-46195; August 31, 2001

February 26, 2002

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COMMENTS OF THE AMERICAN PETROLEUM INSTITUTE

Establishment of Electronic Reporting; Electronic Records
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I. Introduction and Summary

The American Petroleum Institute (API) appreciates the opportunity to submit comments to the U.S. Environmental Protection Agency (EPA) on its August 31, 2001 proposed rule to establish electronic reporting and recordkeeping requirements [66 *Federal Register* 46162-46195]. API represents more than 400 member companies involved in all aspects of the oil and gas industry. Our member companies are subject to a wide range of EPA regulations, and are currently implementing sophisticated systems for compliance, including systems for meeting EPA's numerous reporting and recordkeeping requirements. Our comments reflect information gleaned from the experience of our members and from analyses we have conducted to assess the potential ramifications and costs of EPA's proposal. API has sponsored a technical feasibility and cost evaluation, which is included as an attachment to these comments.

API strongly opposes the proposed recordkeeping requirements. They would be mandatory in practical effect, and would be extremely impractical and costly, with no appreciable benefits. EPA's proposed recordkeeping requirements would apply to any information meeting EPA's broad definition of *electronic record* that is kept for purposes of compliance with the full range of environmental regulations in Title 40 of the *Code of Federal Regulations*. EPA deems the proposed requirements "voluntary," based on the incorrect premise that companies are not already keeping records electronically.

Electronic recordkeeping is permitted currently and is practiced extensively in the regulated community. In these comments, we offer information on the present status of electronic recordkeeping and what would be involved in changing to systems that would meet EPA's proposed requirements. Contrary to EPA's assertion that its proposal will "remove existing obstacles" to electronic recordkeeping, the proposal would seriously hinder effective electronic recordkeeping that is already established, and would force companies to reevaluate and rebuild major computer applications that they have already launched. Section II below discusses numerous problems with the proposed recordkeeping requirements.

API's members welcome the opportunity to submit reports electronically to EPA and delegated State authorities, as long as the system for reporting is practical, cost-effective, secure, and backed by sufficient alternatives. However, the system described in the proposed rule needs to be substantially simplified to be beneficial to the regulated community and States. EPA's primary goal should be to implement an electronic reporting system that is not more complicated or burdensome than paper reporting. We discuss specific issues regarding reporting to EPA in Section III below, and concerns about mandating the reporting system for States in Section IV. API opposes EPA's proposal to provide criteria for States' electronic reporting systems. We believe States can—and in many cases already do—implement adequate reporting systems without mandates from EPA.

Finally, EPA's proposal falls short of meeting requirements of Executive Order 12866, the Paperwork Reduction Act, the Regulatory Flexibility Act, the Small Business Regulatory Enforcement Fairness Act, the Government Paperwork Elimination Act, the

Unfunded Mandates Reform Act, Executive Order 13132, and Executive Order 13211. EPA's failure to fulfill these requirements has its roots in the false notion that the proposed requirements would be voluntary and, thus, would not impose costs on the regulated community. As explained below in Section V, the proposal would be very costly for the regulated community, and EPA needs to redo all of its analyses to reflect this fact.

EPA states that its proposal has three goals, and seeks comment on how well the proposed regulatory provisions and the associated Central Data Exchange (CDX) will serve to fulfill the three goals:

- To reduce the cost and burden of data transfer and maintenance for all parties to the data exchanges;
- To improve the data--and the various business processes associated with its use--in ways that may not be reflected directly in cost-reductions (e.g. through improvements in data quality, and the speed and convenience with which data may be transferred and used); and
- To maintain or improve the level of corporate and individual responsibility and accountability for electronic reports and records that currently exists in the paper environment.[1]

API generally agrees that the first two are appropriate goals for programs that address electronic reporting and recordkeeping. However, in the third goal, EPA should remove the end phrase "that currently exists in the paper environment," because corporate and individual responsibility and accountability currently exist in the electronic as well as paper environment. Furthermore, EPA has not demonstrated any need to improve the level of corporate and individual responsibility and accountability in current reporting and recordkeeping.

[1] 66 FR 46163.

The proposed rule fails to fulfill the three goals that EPA has enunciated. The proposal is directly contrary to EPA's first goal, in that it will impose high costs on the regulated community, including many small businesses, and on States. Regarding the second goal, the proposed regulations contain no provisions that address data improvement. In fact, the recordkeeping portion of the proposal has the potential to adversely affect data quality, because it would force companies to make changes to existing computerized systems, which would increase the risk of data problems that could arise from transferring data from one system to another. EPA requests comment, concerning the second goal, on "how our proposed approach to electronic reporting and record-keeping will affect third parties, for example State and local agencies." As explained below in Section IV, the proposed rule would impose expensive mandates on State and local agencies, and would thwart electronic reporting that is already underway.

As for the third goal, EPA must recognize that the current environment is not "the paper environment." Particularly in the area of recordkeeping, the current environment is, overwhelmingly, an electronic environment. Existing electronic recordkeeping systems already operate at a high level of corporate and individual responsibility, and EPA's proposed rule does not dispute this. The proposed recordkeeping requirements are not necessary to maintain the current level of corporate and individual responsibility and accountability, particularly if EPA wants to assure what it calls "the continuing viability of self-monitoring and self-reporting that provides the framework for compliance under most of our environmental programs."[2]

This proposed rule, which EPA has presented as voluntary, would cost the regulated community billions of dollars and also would impose high costs on States.

EPA has not demonstrated any need for the proposed recordkeeping requirements or for the proposed criteria for States. EPA should withdraw the proposed rule, focus its efforts on enabling electronic reporting, and reevaluate whether there is any need at all for recordkeeping requirements or for any requirements for States, Tribes, and local governments.

II. API Opposes the Proposed Requirements for Recordkeeping

EPA's proposal for electronic recordkeeping is fatally flawed. As proposed, the rule would be extremely costly, produce no demonstrated benefits, and accomplish exactly the opposite of what EPA claims it is intended to do (i.e., remove obstacles to electronic recordkeeping). EPA should withdraw the proposed rule and reconsider whether any recordkeeping provisions of the sort proposed are necessary at all; we think they are not. Any future consideration of electronic reporting or recordkeeping should be done only in close consultation with the regulated community, the States, and computer experts.

A. Proposed recordkeeping requirements would be mandatory in practical effect

EPA states that electronic reporting and recordkeeping will be "totally voluntary" and that the proposed rule will "remove existing regulatory obstacles to electronic reporting and record-keeping across a broad spectrum of EPA programs."[3] To the contrary, the proposed recordkeeping requirements would be mandatory, and would create substantial obstacles to electronic recordkeeping.

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[2] 66 FR 46166.

EPA's proposed recordkeeping requirements would have remarkably broad applicability and impact. Under the proposed regulatory language, an *electronic record* would be:

> any combination of text, graphics, data, audio, pictorial, or other information represented in digital form that is created, modified, maintained, archived, retrieved or distributed by a computer system.[4]

An *electronic record-retention system* would be:

> any set of apparatus, procedures, software, records or documentation used to retain exact electronic copies of electronic records and electronic documents.[5]

The proposed requirements state that:

> An electronic record or electronic document will satisfy a recordkeeping requirement of an EPA-administered federal environmental program under this Title *only* if it is generated and maintained by an acceptable electronic record-retention system as specified under this subsection.[6] [emphasis added]

The proposed requirements then list the characteristics that an electronic record-retention system must have for purposes of maintaining electronic records that satisfy recordkeeping requirements under Title 40.[7]

Currently, electronic recordkeeping is allowed under EPA recordkeeping requirements, which are media-neutral. With the August 31, 2001 notice, EPA is proposing requirements that would invalidate existing records for purposes of satisfying EPA recordkeeping requirements. The proposal would establish mandatory procedures

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[3] 66 FR 46163.
[4] Proposed 40 CFR 3.3.
[5] Proposed 40 CFR 3.3.
[6] Proposed 40 CFR 3. 100(a).
[7] The proposed recordkeeping criteria include mandates for maintaining electronic documents in a form that may not be altered without detection, for the entirety of the required period of record retention; making electronic records available for on-site inspection and off-site review, for the entirety of the required period of record retention; electronic signature requirements; preventing electronic signatures from being detached, copied, or otherwise compromised; computer-generated, time-stamped audit trails; retaining audit trail documentation for a period at least as long as that required for the electronic records; ensuring that electronic records are searchable and retrievable; archiving electronic records and documents in a form which preserves the context, meta data, and audit trail; ensuring that any transfer to a new system

and controls for all electronic records maintained to meet a Title 40 requirement, and for all the data underlying them. EPA would not recognize the validity of electronic records, unless computer systems satisfy complex criteria and EPA has published a *Federal Register* notice announcing that EPA will recognize the particular electronic record. EPA presents this situation as "purely voluntary," apparently because the Agency thinks companies have the option of paper recordkeeping. However, many companies have already invested in systems for electronic recordkeeping, and returning to paper recordkeeping is not a viable option for most companies (and most certainly is not without cost). EPA's proposal does not allow companies the option of maintaining their existing systems, or any other systems outside the bounds of the one EPA is prescribing.

EPA's attempt to deem the recordkeeping requirements as voluntary conflicts with the plain language of the proposed regulatory language, and defies logic. EPA is proposing a new Title 40 CFR Part 3 Subpart C that sets forth "*requirements* for acceptable electronic records." [emphasis added] The section is not titled "voluntary guidelines for electronic records" or other similar language that would indicate a voluntary provision. Using the apparent reasoning behind deeming this proposal voluntary, EPA could call any of its regulations voluntary. For example, hazardous waste regulations would be voluntary (they do not apply if a facility chooses not to generate or handle hazardous waste); air regulations would be voluntary (they do not apply to a facility that does not have any emissions); water regulations would be voluntary (they apply only if a facility elects to generate wastewater); and so forth.

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preserves meta data and original functionality; and maintaining computer systems (including hardware and software) for agency inspection.

The proposal does not reflect any awareness on the part of the Agency of the variety and volume of data and systems that it would affect. The American Chemistry Council has compiled a list of EPA regulatory records and retention requirements, which we incorporate by reference.[8] It documents hundreds of Title 40 recordkeeping requirements. Under each of these requirements, companies generate and keep numerous data and information that would meet EPA's broad definition of electronic record. A typical petroleum refinery keeps records such as the following (just to name a few): compliance monitoring information from dozens of emission and operation indicators (e.g., continuous emissions monitors, analyzers, pressure gauges, level gauges, thermocouples, flow meters); records of petroleum liquids stored, period of storage, and vapor pressure of liquids; leak detection records; leak repair records; Toxics Release Inventory reports and supporting data; National Pollutant Discharge Elimination System (NPDES) records; records of waste container and storage area inspections; Resource Conservation and Recovery Act (RCRA) permit records; and lab analyses. Based on the experience of our member companies, most companies are already implementing systems for keeping records electronically. Rather than affecting a small number of facilities, as EPA projects, the proposed rule would affect the majority of facilities that are subject to any Title 40 requirement—millions of facilities.[9]

The proposed requirements would not only affect millions of facilities, but would have a number of unintended consequences that EPA has not acknowledged. EPA

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[8] *The Four "R's": Regulatory Records Retention Requirements*, American Chemistry Council, 2001.

[9] EPA's *Fiscal Year 2000 Annual Report* states that "EPA's enforcement and compliance assurance program regulates approximately 8 million entities that range from community drinking water systems to pesticide users to major industrial facilities. Compliance data are maintained for approximately 1.7 million of these entities. These include municipal sewage treatment plants, large manufacturing and industrial

disregards the extent to which widespread technology has enabled environmentally beneficial practices such as telecommuting. One of our member companies, which has an extensive telecommuting initiative, has identified the proposed recordkeeping provisions as a potential serious obstacle to telecommuting, because of the severe limitations that it would impose on information in computer systems such as company intranets. EPA also has not considered the impacts the recordkeeping requirements would have on the programs of other federal agencies such as the Occupational Safety and Health Administration (OSHA), the Bureau of Land Management (BLM), the U.S. Coast Guard, and many others. By affecting the ability of companies to use computers to manage environmental information, which is often shared with agencies other than EPA, the proposed requirements would affect the communications and data sharing between companies and these other agencies.

B. EPA must reassess current recordkeeping practices

One of the largest underlying problems with EPA's recordkeeping proposal is that it appears to indicate a complete disregard for existing computer systems, which keep voluminous environmental records and backup data for those records. API expects that EPA will receive numerous comments with examples of the breadth, depth, and complexity of the systems companies are currently using to accomplish recordkeeping under Title 40 requirements. EPA must give further consideration to at least three important aspects of the status quo: (1) individual facilities keep many hundreds of thousands of records (millions for large facilities) under various environmental

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operations, and hazardous waste treatment and storage facilities. The remaining 6.5 million entities range from small business facilities to individual property owners." Page II-93.

regulations; (2) the complexity and amount of these records necessitates multifaceted and multistage computerized recordkeeping; and (3) electronic systems that hold environmental data often house other data as well (e.g., process information).

Companies use various methodologies and systems for complying with Title 40 recordkeeping requirements. To simplify, the universe of recordkeeping methods consists of:

- manual methods (paper/handwritten);
- combination of manual and electronic methods (e.g., manual data copied into a spreadsheet or custom database); and/or
- purely electronic records from computerized systems (e.g., analytical data from a laboratory information system, measurements taken and recorded by an electronic device).

Only manual methods would be unaffected by the proposal. However, most current recordkeeping is accomplished using either combination methods (manual and electronic) or electronic-only methods. In fact, some entire facilities do not have onsite personnel and depend on computerized monitoring and recordkeeping. Across the U.S., thousands of oil and natural gas exploration and production sites are monitored remotely, with environmental compliance data existing only in electronic systems. There are no paper options for recordkeeping at these sites. Similarly, at offshore platforms and rigs, automated recordkeeping systems with compliance data transferred to shore via satellite link are common, and are sometimes the only practical option.

The technical report attached to these comments contains additional information on the types of electronic recordkeeping systems that API member companies currently use. They include, but are not limited to, the types of electronic records retention systems listed below.

Some or all of these systems may be used at a single facility:

- **Laboratory Information Management Systems (LIMS)** used to store analytical results from monitoring water discharges, waste compositions, and air emission speciation profiles;
- **Process Historians** used to track process flow rates, discharge rates, stream temperatures, and other process variables;
- **Distributed Control Systems (DCS)** used to track various unit operation inputs (e.g., temperatures, flows, pressure, and so forth);
- **Computerized Maintenance Management Systems (CMMS)** for managing maintenance-related work orders and generating records of visual inspections, equipment leak repairs, and so forth;
- **Yield Accounting or Production Accounting and Data Reconciliation Systems** that track product yields and tank inventories, and are used to demonstrate compliance with production limits and to satisfy throughput recordkeeping requirements in permits;
- **Enterprise Resource Planning (ERP) and Procurement Systems** that consolidate financial functions and are used to satisfy requirements for documentation of the amount of chemicals procured, the amount of fuels burned in combustion sources, the amounts of various products produced over a given timeframe, and so forth;
- **Environmental Management Information Systems (EMIS)** to track air, water, waste, and chemical inventory information; and
- **Continuous Emissions Monitors (CEMS**) used to comply with the continuous monitoring requirements of NSPS, NESHAP, MACT, and others.

In addition, ubiquitous computer applications such as spreadsheets and word processors appear to fall within EPA's broad definition of *electronic record-retention system*. None of the

record retention systems listed above are compliant with the proposed recordkeeping provisions, and each would require significant modification if this rule is finalized.

It is important for EPA to recognize that electronic recordkeeping systems vary among companies and over time. These systems already exist, but they are not static, and they are not necessarily consistent across a company's operations. Companies design systems to meet their individual operational and compliance needs, and they redesign, update, and augment them as new technologies become available, operations change, and/or new properties or facilities are acquired. Due to the nature of information technology, this variation can be expected to continue, which is a good thing. Companies will continuously improve their electronic records retention systems. Any EPA attempt to mandate computer system characteristics is doomed to fail.

C. Proposed recordkeeping requirements would be impractical and extremely costly

The proposed regulations would set forth nine requirements that an "acceptable" electronic record retention system must meet to satisfy Title 40 recordkeeping requirements.[10] In addition, the Agency states that it is "currently evaluating the need for additional controls for electronic records under this rule."[11] The proposed requirements are extensive both in their breadth of coverage (due to the broad definition of electronic record) and their depth of coverage (due to the many different systems that the requirements would affect). Some of the proposed requirements would be almost impossible to meet, and any effort to comply would be very expensive, as noted below and in the technical report attached to these comments, which discusses feasibility and cost issues in detail.

[10] Proposed 3 CFR 3.100(a)(1) – (9). Also see discussion in attached technical report.

Some examples of ways in which the proposed requirements are not only costly, but may be technically difficult or infeasible are listed below.

- Proposed Section 3.100(a)(3) would require that electronic records be "readily available, in both human readable and electronic form, for on-site inspection and off-site review, for the entirety of the required period of record retention." In some cases, records must be kept in a central location and are not immediately available on-site for the required record retention period. Furthermore, it is not clear how companies would be expected to make their electronic records available for off-site review by EPA (e.g., whether EPA is suggesting that companies would need to provide the Agency with the necessary hardware and software to conduct off-site review). We also have confidentiality concerns regarding this requirement; see Section E below. EPA has shown no need for this requirement. The Agency has not demonstrated that there is any problem with current access to records for inspection.
- Proposed Section 3.100(a)(5) seems to suggest that no mechanism for detaching, copying, or otherwise compromising an electronic signature could be included in a system. In fact, most existing applications allow system administrators to modify records within that application.
- Proposed Section 3.100(a)(6) would require "computer-generated, time-stamped audit trails." Most systems currently used for environmental recordkeeping do not have audit trail capability, and such capability would be difficult or impossible to add to many existing systems. Even oil and natural gas production accounting systems, which are designed to be auditable for royalty verification, would not appear to meet the proposed requirement.
- Proposed Section 3.100(a)(8) would require that electronic records and electronic documents be "searchable and retrievable for reference and secondary uses, including inspections,

[11] 66 FR 46170.

audits, legal proceedings and third party disclosures, as required by applicable regulations, for the entirety of the required period of record retention." This requirement goes far beyond the backup measures included in most computer systems. Normally, data are backed up on tape drives or other storage media. As an application goes out of service, the application is removed and the data remain stored on tape drives or other storage media. For the electronic records to remain searchable and retrievable, an application would be required to stay on line for the entire data retention period, which could be decades, or well beyond the expected lifespan of computer technologies.

- Proposed Section 3.100(a)(9) would require that the electronic records retention system:

> Archive electronic records and documents in an electronic form which preserves the context, meta data, and audit trail, and, if required, must ensure that:
> (i) Complete records can be transferred to a new system;
> (ii) Related meta data can be transferred to a new system;
> (iii) Functionality necessary for use of records can be reproduced in new system; and
> (b) Computer systems (including hardware and software), controls, and attendant documentation maintained under this Part must be readily available for, and subject to, agency inspection.

Proposed Section 3.100(a)(9) is particularly onerous. Most existing systems do not archive data in a manner that preserves the context of the data and the meta data. If a calculation were performed, the system would have to be capable of archiving the calculation algorithm and each element of the calculation in such a manner that it could be reproduced in a new system. Most currently available systems do not have this capability. The requirement to preserve context, meta data, and audit trail expands the reach of the recordkeeping requirements into any system linked to an environmental recordkeeping system, including accounting, operating, and financial systems. The requirement to preserve functionality and make computer systems

available for agency inspection would necessitate maintenance of legacy systems, which are highly impractical and costly, and for which the Agency has demonstrated no need.

The proposed criteria—particularly their applicability to context, meta data, and audit trail—would have the effect of multiplying existing recordkeeping requirements many times over. The proposed rule would transform every current requirement to keep one record into a requirement to keep many. Thus, the effect of this rule would be a huge increase in the burden of recordkeeping requirements. EPA would need to reexamine all of its existing Information Collection Requests to reflect the multiplier effects of the new recordkeeping requirements. EPA's proposal goes way beyond addressing record preservation or archiving; it would affect whole systems for data management.

EPA estimates that the average annual cost to implement a new electronic recordkeeping system would be $40,000. For many facilities, this is an underestimate by orders of magnitude. The proposed requirements would affect entire computer networks and systems, not just single computers. EPA clearly has not considered the actual steps a company would have to take to comply with the rule, which would include the following (described in more detail in the technical report):

1. Take inventory of current systems;
2. Assess each application to identify gaps between existing functionality and each of the new requirements;
3. Close gaps via custom code, new software, and/or add-ons to existing software;
4. For applications integrated with other information systems (e.g., the lab system is typically integrated with the process historian), update each of the integration routines;

5. Re-develop reports and records in accordance with changes made to underlying applications;

6. Update system documentation and user manuals; and

7. Conduct end-user training.

The attached technical report contains cost estimates for a sample site using an existing computer system of moderate complexity, assuming an upgrade of the system (not replacing it, which would be more expensive). The estimated cost is over $2 million for a system with 5 existing computer applications. In many facilities, current systems consist of 10 to 20 major applications, and total costs would be on the order of $4 million to $10 million. Replacing a system (as opposed to just upgrading it) would require up to $20 million.

The work required to change existing systems to comply with the proposed recordkeeping requirements would be comparable to the level of effort needed to fix the Y2K computer problem. Companies would need to take basically the same steps as they did in addressing the Y2K problem and, as with Y2K, most if not all of a company's computer applications would need to be at least assessed (and many changed). Like Y2K-affected data, data elements that would fall within the proposed definition of electronic record are found in computer systems throughout a company. API estimates that the oil and natural gas industry spent over $2 billion on Y2K readiness, and we expect that the current proposal would result in comparable costs.

The actual costs of the proposed rule need to be estimated by multiplying an accurate estimate of the cost per facility by an accurate estimate of the number of facilities affected. The technical report attached to these comments includes a cost estimate of $2.1 million for a site operating five computer applications to support

environmental recordkeeping. For larger facilities, costs would be in the range of $4 million to $10 million.

Regarding the number of facilities affected, EPA assumed in its cost analysis that "a very low number of facilities (0.5 percent) of the current regulated entities, would elect to acquire new electronic recordkeeping systems to implement the CROMERRR recordkeeping option."[12] It is perplexing that EPA does not even begin to address why it is proposing this "voluntary" rule when over 99 percent of regulated entities would "elect" not to implement it. As explained in these comments, it will not be optional for facilities to make changes to existing systems (or to acquire new ones). The baseline that EPA assumes for its analysis—"current 'as is' paper system"—is fiction. There is virtually no such thing as an entirely paper-based/handwritten environmental recordkeeping system. The actual number of affected facilities can be estimated as all facilities that keep records in accordance with any requirement under Title 40. The number may be greater because even facilities that are not regulated under Title 40 may be affected, e.g., laboratories and consultants that generate or manage data for regulated entities.

EPA's *Fiscal Year 2000 Annual Report* states:

> EPA's enforcement and compliance assurance program regulates approximately 8 million entities that range from community drinking water systems to pesticide users to major industrial facilities. Compliance data are maintained for approximately 1.7 million of these entities. These include municipal sewage treatment plants, large manufacturing and industrial operations, and hazardous waste treatment and storage facilities. The remaining 6.5 million entities range from small business facilities to individual property owners.[13]

[12] 66 FR 46178.
[13] EPA, EPA's Fiscal Year 2000 Annual Report, page II-93.

Assuming that only the 1.7 million facilities would incur costs (a conservative assumption), and using EPA's low cost estimate of $40,000 per facility, the total cost of the rule would be $68 billion. In addition, EPA estimates that, beyond initial costs, there would be additional annual costs of $17,000 per facility ($29 billion total annually, assuming 1.7 facilities). As mentioned above, many facilities would incur much higher costs, millions of dollars per facility. Thus, $68 billion is a low estimate, and the total costs of the rule are likely to be much higher.

Finally, EPA need not limit its cost analysis to theoretical estimates—the Agency can draw on real-world experience with similar provisions under Food and Drug Administration (FDA) 21 CFR Part 11. EPA states that its recordkeeping criteria are intended to be consistent with FDA criteria, but the Agency does not appear to have considered the costs of that rule for purposes of estimating the costs of this proposal. EPA could gather information about costs, for example, by surveying affected companies about how much they have spent to comply with the FDA rule and/or by reviewing costs of hardware, software, and services that are offered in the marketplace for meeting the FDA requirements.

D. Consistency with FDA recordkeeping requirements is not an appropriate goal for the EPA rulemaking

EPA states in its proposal:

> The criteria set forth in today's proposed rule--both the general and those specific to records with associated signatures--are intended to be consistent with criteria set forth for electronic document systems in other relevant regulations, such as FDA's criteria in 21 CFR part 11. EPA seeks comment on whether today's proposed requirements achieve this consistency, and whether this consistency is an appropriate goal for this rulemaking.[14]

Consistency with FDA 21 CFR Part 11 is *not* an appropriate goal for EPA. First

of all, EPA gives no adequate explanation of why such consistency would be appropriate or desirable. Recordkeeping under EPA requirements is not comparable and does not warrant a similar level of control. The records covered by FDA 21 CFR Part 11 are narrower in scope, and were subject to a higher level of control in a paper or media-neutral environment. The FDA regulations were created largely to address records that require signature, but most environmental records do not require signature.[15] The companies subject to the FDA rule are mainly large pharmaceutical manufacturing companies; the scope of the EPA rule would be much broader and include numerous small facilities.

Moreover, the FDA requirements have proved to be very expensive for the regulated community. Four years after the requirements were finalized, companies are still struggling to comply, and a mini-industry has emerged to supply the software, services, training, and technical expertise necessary to meet the FDA requirements. To get an idea of the level of activity and the cost that the FDA rule has generated, EPA should enter "21 CFR Part 11" into any Internet search engine and review the results. At this writing, entering "21 CFR Part 11" into the Google search engine generated over 7,000 sites, with many selling various products and services for compliance. One company providing services for compliance with 21 CFR Part 11 has stated in a report that "the impact of Part 11 could be greater than the Y2K remediation effort." The company conducted a survey of leading companies' approaches to 21 CFR Part 11 compliance, and concluded that the cost per respondent to become compliant with 21

[14] 66 FR 46170.
[15] Please refer to the list of regulatory requirements and whether they require signature, attached to these comments.

CFR Part 11 is over $100 million, with additional time and money slated for maintenance.[16]

Rather than modeling its rule after the FDA rule, EPA should consider the lessons learned from the FDA experience, and avoid making similar mistakes. In particular, EPA should examine costs of complying with the FDA rule in its efforts to estimate costs of the proposed recordkeeping requirements.

E. The proposed recordkeeping requirements introduce concerns about confidential business information

The proposal contains the overly broad requirement that electronic records be available for on-site inspection and off-site review, for the entirety of the required period of record retention.[17] This appears to lay the groundwork for overly broad EPA access to entire computer systems. Most facilities, for data security and proprietary reasons, do not maintain a system architecture that allows external sources (e.g., EPA or other non-employees) to access computer systems, particularly from off-site. Making these changes to allow such access could jeopardize data security and definitely would impose significant additional costs.

EPA already has authority to obtain or inspect required records. There is no need for any expansion of this authority. The proposal introduces a new level of concern about keeping business information confidential, and would limit the ability to integrate environmental systems with other business systems. EPA inspection and review will *not* be facilitated if companies have to take additional protective steps to maintain confidentially of their business records.

[16] White Paper: 21 CFR Part 11: Achieving Business Benefits, Accenture, 11951 Freedom Drive, Reston, VA 20190.
[17] Proposed 40 CFR 3.100(a)(3).

F. Allowing electronic recordkeeping is a separate issue from fraud prevention and detection

EPA identifies two main purposes of the electronic recordkeeping provisions of the proposed rule. First, EPA purports to "allow" and "remove obstacles" to electronic recordkeeping. Second, EPA states:

> For both document submission and record-keeping, the point of the proposed requirements is primarily to ensure that the authenticity and integrity of these documents and records are preserved as they are created, submitted, and/or maintained electronically, so that they continue to provide strong evidence of what was intended by the individuals who created and/or signed and certified them. Among other things, today's proposal is intended to ensure that the federal laws regarding the falsification of information submitted to the government still apply to any and all electronic transactions, and that fraudulent electronic submissions or record-keeping can be prosecuted to the fullest extent of the law. In establishing clear requirements for electronic reporting systems and electronic records, this proposed rule will help to minimize fraud by assuring that the responsible individuals can be readily identified.[18]

EPA should recognize that the issue of allowing electronic recordkeeping is separate from that of fraud prevention and detection, and should be treated separately. Throughout these comments, we have discussed the current situation regarding electronic recordkeeping for compliance with environmental requirements. EPA has not demonstrated any problems with the status quo, or any need for action to "allow" electronic recordkeeping. EPA states:

> Today's proposal sets forth the criteria under which the Agency considers electronic records to be trustworthy, reliable, and generally equivalent to paper records in satisfying regulatory requirements. The intended effect of this proposed rule is to permit use of electronic technologies in a manner that is consistent with EPA's overall mission and that preserves the integrity of the Agency's enforcement activities.

The paragraph quoted above is the entirety of preamble section III.D ("What is

[18] 66 FR 46164.

EPA's approach to electronic record-keeping?"). EPA has provided no explanation of why it does not consider existing electronic records to be to be trustworthy, reliable, and generally equivalent to paper records. EPA has not discussed why the Agency appears to be asserting that existing electronic recordkeeping technologies are not permitted. To the contrary, most Title 40 recordkeeping requirements are media neutral, and at least thirty-six explicitly allow electronic recordkeeping.[19]

Little or no action is required by EPA to allow electronic recordkeeping and to meet the GPEA requirement that the Agency provide for the option of electronic maintenance of information. Electronic recordkeeping is currently allowed, is the predominant recordkeeping method in use by regulated entities, and for years has worked well for both the regulated community and the government. The proposed requirements would subvert the intent of the GPEA by prohibiting electronic records unless they meet EPA's complex criteria. (See section V.D for additional discussion of the GPEA.)

If the Agency has reason to believe that there are circumstances in which electronic recordkeeping is not allowed (although EPA has not identified any such circumstances in the proposed rule), then EPA could promulgate a simple statement that any requirement in 40 CFR Title 40 that a record be maintained may be satisfied by maintaining an electronic record. For any recordkeeping requirements that include a signature requirement, EPA could accept a paper copy for the official signature and/or use the most straightforward standards available for e-signatures. Provisions from E-SIGN may be appropriate; EPA should consider the feasibility of and take public comment on the idea of applying E-SIGN.

[19] Presentation of the Dow Chemical Company, Public Hearing on the Proposed Establishment of Electronic Reporting; Electronic Records Rule, Washington, DC, October 9, 2001.

Regarding fraud, EPA in the preamble provides not one example of fraud, falsification, or any other problem with existing electronic records. During one of the public meetings EPA held to discuss the proposal, Agency representatives recounted an example of falsified paper laboratory reports that were altered by use of whiteout, and indicated that they are seeking an electronic analog to whiteout, i.e., a method for detecting alteration or fraud in electronic records.[20] However, it is notable that the fraud example provided by EPA is one that occurred on paper, not in the electronic environment. Indeed, there are a number of characteristics of electronic recordkeeping that make fraud more difficult to perpetrate (and easier to detect) than in paper records. Many existing computer systems include automatic recording, in which case fraud requires a relatively high degree of technical sophistication. Fraud is particularly difficult in systems where multiple applications are linked. Some environmental records are linked electronically with business records, which tend to have a high level of accuracy and security. Electronic systems promote wide circulation of information, which means that a larger number of people would need to participate in any attempted fraud. Also, it would be easier to identify individuals responsible for fraud, given the login and other checks that are present in the electronic environment. If EPA were to analyze fraud risk, it would likely find more deterrents to fraud in the electronic environment than in the paper environment.

Although EPA states that a primary purpose of the recordkeeping proposal is to minimize fraud and enable prosecution of fraud, EPA has by no means demonstrated that the proposed requirements would do this. EPA provides no analysis of fraud risk and no explanation of how the proposed requirements would reduce it. EPA should separate the issue of "allowing"

[20] Public meeting in Washington, DC, January 17, 2002.

electronic records from that of preventing and prosecuting fraud. EPA can act now to acknowledge that electronic records meet environmental recordkeeping requirements. Addressing any fraud concerns requires additional analysis and is a longer-term endeavor. To address fraud concerns, EPA should first conduct an impartial analysis of fraud risk (not one that presupposes more risk in the electronic environment), and then address what (if any) actions are necessary to address the risk. Depending on the specific risks EPA might identify, it may be that the government already has sufficient authority to address them (e.g., with existing laws against fraud). If additional action is required, EPA should formulate specific proposals targeted at the identified risks.

III. API Supports Electronic Reporting, but EPA Needs to Address Numerous Issues

API member companies welcome the opportunity to submit reports to EPA and the States electronically, as long as practicality, cost-effectiveness, and security are achieved. Companies are already engaging in electronic transactions for business and compliance purposes, and electronic reporting under all federal environmental rules is appropriate and useful given the current state of technology.

An electronic reporting system should be no more cumbersome than paper reporting. As discussed further below, it appears that the proposed electronic reporting scheme would be more burdensome than paper reporting. EPA should simplify the electronic reporting procedures so that electronic reporting is truly more efficient than paper reporting. The first of EPA's three listed goals for its proposal is "to reduce the cost and burden of data transfer and maintenance for all parties to the data exchange."[21]

[21] 66 FR 46166.

This should be the primary goal of any electronic reporting system, and we urge EPA to continuously assess and improve the CDX in pursuit of this goal.

A. Central System for Reporting

API does not object to EPA's approach of establishing a central system for electronic reporting directly to the Agency. It is not necessary for EPA to implement electronic reporting on a requirement-by-requirement basis, and a single system for submitting reports under multiple requirements will have the advantage of consistency for users. However, any *existing* electronic reporting to EPA should be allowed to continue as is. EPA indicated at a public hearing that it might establish a process for excluding specific EPA programs from being required to use the central system.[22] The proposed rule should explicitly permit any current electronic reporting to continue, without requiring a case-by-case exclusion. Furthermore, EPA should not impose its system or system criteria on States (see Section IV below).

API supports EPA's stated intention not to codify the characteristics of the central system. The system should be technology-neutral to accommodate future technical advances. Rather than specify system characteristics, EPA should provide the regulated community with the opportunity to "beta test" the Central Data Exchange (CDX) for a period of at least one year. It is much more constructive for the regulated community to try the reporting system and provide feedback than to be asked to comment on written descriptions of system design and technical specifications.

In implementing a central system, EPA should not require any data beyond what is originally required in the report being submitted. The central system should only be a

means of receiving existing reports, not for collecting any additional information. If EPA were to require any additional information, such a requirement would have to be noticed and justified in a separate *Federal Register* proposal. Any additional data requirements would increase costs, which would need to be assessed against the benefit of the additional data required.

B. Technical Issues and Costs

The technical report attached to these comments presents several electronic reporting issues that EPA should address and costs that EPA has not considered in its cost analysis. In summary:

- Web forms will require the submitter to re-key information into EPA-provided web forms. EPA should address the potential for human error and consider data validation techniques for the web forms, to minimize potential for user error.
- In addition to web forms, the CDX will accept some data in EDI and/or XML file formats. Companies that have already invested in custom computer applications other than EDI and XML will incur costs (estimated to be $30,000 - $100,000) to maintain EDI and/or XML file formats, if they wish to report electronically.
- The use of "localized" CDX client software is much too limiting. Individual users are likely to change computers periodically, and the system should allow for this. One alternative would be to allow necessary software to run from a network server that requires users to log in.

[22] Informal Public Hearing on Proposed Rule: Establishment of Electronic Reporting; Electronic Records, October 29, 2001.

C. Registration, Certification, and Signature Procedures

The proposed CDX registration, certification, and signature procedures exceed what is necessary for environmental reporting. The process EPA proposes is similar to that used for electronic financial transactions. Reporting to EPA under federal environmental requirements necessitates simpler and less onerous registration, certification, and signature procedures, particularly given the many small businesses potentially affected.

EPA seeks comments on the need to collect and verify certain personal and business-related information as a part of the registration process.[23] It is worth noting that EPA is proposing to require registration of any individual who submits an electronic document to the electronic document receiving system, regardless of whether the report being submitted requires a signature. EPA discusses requiring submission of "basic" personal information to the Certificate Authority such as "your name, home address, e-mail address, social security number, telephone number, credit card number, driver's license information, employer's address, common name of your employer, legal company name of your employer, name and telephone number of your direct manager, and name and telephone number of a human resource contact."[24] API opposes requiring information of a detailed and personal nature. The level of information required for CDX submissions should not exceed that required for paper submissions, which usually require basic contact information such as name, business address, and business telephone number.

[23] 66 FR 46182.
[24] 66 FR 46181.

EPA is proposing to design the CDX to prohibit any delegation of electronic signatures. Delegation of authority should be permitted, as it is in paper submittals. API suggests that EPA allow facility registration and certification, in place of or in addition to, individual registration and certification. "Facility" should be defined as it is in the underlying report to be made; no new facility identifiers would be required.

Some of the most unwieldy aspects of the CDX are processes related to electronic signatures. EPA states that the requirements for electronic signatures "will apply only where the document would have to bear a signature were it to be submitted on paper, either because this is stipulated in regulations or guidance, or because a signature is required to complete the paper form."[25] One of our member companies has compiled a list of regulatory requirements and whether they require signatures, which is included as an attachment to these comments. The list demonstrates that there are many existing regulations that require signature.

EPA states in the preamble that it is considering:

> the possibility of developing a set of criteria explicitly addressing electronic document receiving systems that will not receive electronically signed documents if it appears that States, tribes or local governments want to implement such systems for their authorized environmental programs. Such systems might be appropriate, for example, in the cases where agencies wished to accept electronic submissions of data but continued to require that associated certification statements be signed and submitted on paper. EPA invites comment on whether it would be worth developing the alternative set of criteria for systems that exclude electronic signatures.[26]

The alternative of accepting electronic data with associated certification statements signed and submitted on paper would be useful, for both State systems and the CDX. This option would likely be less burdensome, in many instances, than the

[25] 66 FR 46169.

electronic certification and signature process that EPA has proposed. API suggests that EPA offer the alternative of submitting a paper signature to accompany electronic data, and that the Agency allow States to do so. EPA need not impose criteria on State systems regarding how to do it.

One way to reduce the burden of electronic signatures would be to reduce the number of reports that require a signature. When EPA provides notice that a specific report may be submitted electronically, if that report requires a signature, EPA should reevaluate whether a signature is actually necessary.[27] Eliminating unnecessary signature requirements from existing regulations would reduce the number of validated electronic signatures that would be required.

At the same time we urge EPA to simplify registration, certification, and signature procedures, we also ask the Agency to give more consideration to CDX data security issues. These two ideas are not in opposition. Different security measures are appropriate at different points in an overall system.

Since 1997, the Government Accounting Office (GAO) has issued a number of reports on computer security.[28] One GAO report, *Information Security: Fundamental Weaknesses Place EPA Data and Operations at Risk*, focused on EPA systems.[29] In its proposal for an Agency-wide centralized data receiving system, EPA did not mention the

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[26] 66 FR 46172.

[27] Under EPA's proposal, electronic reporting is permitted only after "EPA has published a notice in the Federal Register announcing that EPA is prepared to recognize electronic records under the named Part or Subpart of this Title." Proposed 40 CFR 3.2(a)(2).

[28] Most recently: *Computer Security: Improvements Needed to Reduce Risk to Critical Federal Operations and Assets*, GAO-02-231T, November 9, 2001; *Critical Infrastructure Protection: Significant Challenges in Safeguarding Government and Privately Controlled Systems from Computer-Based Attack*, GAO-01-1168T, September 26, 2001; *Computer Security: Weaknesses Continue to Place Critical Federal Operations and Assets at Risk*, GAO-01-600T, April 5, 2001; *Computer Security: Critical Federal Operations and Assets Remain at Risk*, T-AIMD-00-314, September 11, 2000.

[29] GAO /AIMD-00-215, July 2000.

GAO report or many of the issues the report raised. While EPA's stated goals address corporate and individual responsibility and accountability, they do not mention EPA's responsibility and accountability for data and operations controlled by the Agency, including protection of data submitted by the regulated community.

EPA's proposed rule provides many details on procedures for user registration, certification, and signature procedures—but these all focus on only one aspect of the overall system (verifying identity of the reporter). As discussed above, the procedures EPA has proposed in this area could be simplified. On the other hand, the most important issues vis-à-vis data security are addressed only briefly in EPA's proposal. The statement on page 46167 that "receipt of electronically transmitted CBI requires considerably stronger security measures than the initial version of CDX may be able to support…" indicates that EPA needs to focus more attention on providing security for the electronic reports it receives. As highlighted in the GAO report, critical security issues include controls on access to EPA databases and other information systems, incident detection, and security program planning and management. API recommends that EPA conduct additional risk management analysis on the security of the CDX, and focus security measures on aspects of the system that are most vulnerable.

D. Preserving Existing and Alternative Reporting Options

As EPA notes, "Many EPA programs have successfully used magnetic media submissions to implement their regulatory reporting."[30] EPA clarifies that its electronic reporting proposal excludes submission of reports via magnetic media (e.g., diskette, compact disk, or tape). EPA states that it "expects these magnetic media approaches to

[30] 66 FR 46163.

paperless reporting to continue, and nothing in today's proposal should be understood to proscribe them."[31] API supports the continuation of existing magnetic media reporting, and encourages EPA to ensure that these reporting options remain available in the future. Companies that are familiar with these formats and have adjusted reporting procedures to accommodate them would incur unnecessary additional costs if forced to use another format.

In addition to maintaining existing options, EPA should ensure that there are always adequate alternatives to CDX reporting for meeting regulatory requirements, particularly those that have deadlines. Communications network transmissions are prone to problems, delays, and downtime—particularly in periods of heavy traffic such as would be expected around the time of a reporting deadline. To protect against system interruptions, EPA should include provisions for automatic extensions to reporting deadlines in the event that EPA or delegated State computer systems are down at a time close to a reporting deadline.

Electronic reporting is "voluntary" only so long as there are viable alternatives. If at any point CDX submission becomes the only way to submit (e.g., if an existing magnetic media option were eliminated or if paper reporting were made more difficult), then it would no longer be voluntary. Going forward, EPA must preserve existing options for reporting and ensure that there are adequate alternatives to the CDX.

Finally, EPA needs to preserve the ability of States to provide electronic reporting options, which are already offered or required in some States. As discussed below in Section IV, the reporting system characteristics that EPA proposes to mandate for States

[31] 66 FR 46164.

would not be voluntary, because States would not have the option of receiving electronic reports outside the bounds of the EPA model.

E. Process for Making Changes to the CDX

EPA discusses providing notice for contemplated changes to the CDX, including issuing notice and seeking comment on major changes at least a year in advance of contemplated implementation and on minor changes at least 60 days in advance.[32] API supports EPA's intent to provide notice and take comments on such changes. More important, however, is EPA's process for taking comments and the timing of changes with respect to relevant reporting deadlines.

EPA's process for taking comments on the CDX and changes to it should involve beta testing in addition to written descriptions. Using the current proposal as an example, it is impossible to thoroughly understand how reporting to the CDX will work by reading EPA's descriptive material—a test run is necessary to understand its operation and to formulate suggestions for improvement. Any changes to the CDX should be finalized well before relevant reporting deadlines. For example, any changes for TRI reporting would need to be *finalized* well in advance of the July 1 reporting deadline, no later than the end of the year for which data are reported.[33]

F. Relationship of Reporting and Recordkeeping

We urge EPA to consider the negative impacts that the *recordkeeping* proposal could have on efforts to accomplish electronic reporting. Reporting and recordkeeping are linked: data found in numerous electronic records support most environmental

[32] 66 FR 46169.

reports. Transmission of a report to EPA is a relatively simple step in the larger process of compliance, which involves collection, storage, and management of many data elements. If EPA's recordkeeping requirements impede the regulated community's efforts to keep electronic records (which they would as currently proposed), then the attractiveness and benefits of the electronic reporting option will be eliminated. Furthermore, EPA purports that the proposal would allow reporting via magnetic media to continue as an alternative to electronic reporting. Yet, the expansive nature of EPA's definition of electronic record and electronic record-retention system would seem to clearly cover recordkeeping associated with such reporting.

IV. EPA Should Not Impose Unnecessary Mandates on States

Under proposed Title 40 CFR Part 3 Subpart D, EPA would impose requirements that State, Tribes, or local environmental programs would be required to meet to receive electronic reports or allow electronic recordkeeping in satisfaction of requirements under EPA-approved programs. EPA has presented the proposed requirements for States, Tribes, and local governments as voluntary, and has concluded in its accompanying analyses that the proposal would reduce burden on affected governments. However, this is not the case. The proposed rule would impose burdensome and costly requirements for States and other entities that receive environmental reports electronically or that allow regulated facilities to keep records using computers.

API urges EPA to carefully consider the comments it will receive from states on the proposal. For example, comments from the Texas Natural Resource Conservation Commission (TNRCC) assert that the effect of the proposed rule would be to shut down

[33] For example, changes made for reporting year 2001, reports due July 1, 2002, would be made before the

the State's successful existing system for collecting environmental data electronically.[34] TNRCC comments also contain a number of useful points regarding the specific technological criteria that EPA is proposing to apply to State electronic receiving systems, problems with the recordkeeping portion of the proposal, and other issues. As another example, comments from Pennsylvania maintain that the proposed rule is overly complex; the proposed verification requirements are not technology neutral; the proposed archiving requirements are not feasible; and EPA should revert to a "general standards" approach.[35] The Pennsylvania comments also highlight problems with the particular criteria that EPA has proposed to apply to State systems for receiving electronic records.

We believe that many State officials may not have realized the implications of the proposal at first, because EPA called it voluntary. In recent API communications with State environmental officials, we encountered several who were not aware of the proposal. It is likely that State representatives will have many concerns not previously expressed when they fully understand that, contrary to EPA's representations, the proposal would impose mandates for how State electronic receiving systems are to operate and would create onerous new recordkeeping requirements for the regulated community, which States would be required to implement and enforce. We anticipate that EPA will receive comments from many States, and we urge EPA to carefully consider and address the concerns expressed by the States.

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end of 2001.

[34] Texas Natural Resource Conservation Commission (TNRCC), *Comments on Establishment of Electronic Reporting; Electronic Records*, November 29, 2001.

[35] Commonwealth of Pennsylvania Department of Environmental Protection, *Comments on Proposed Rule: Establishment of Electronic Reporting; Electronic Record*, Docket #EC-2000-007.

A. The proposed criteria are mandates for States, Tribes, and local governments

The language of the proposed regulation and accompanying preamble are unambiguous mandates for States on how to implement electronic reporting and recordkeeping. In the proposed rule and preamble, EPA uses the word *must* and clearly asserts that States would be *required* to meet EPA's standards and gain EPA approval for any electronic reporting under authorized environmental programs. Examples include (bold added to demonstrate the mandatory nature of the criteria):

> State, tribes, or local environmental programs that wish to receive electronic reports or documents in satisfaction of requirements under such programs **must revise or modify** the EPA-approved State, tribal, or local environmental program to **ensure that it meets the requirements of this part**.
> [Proposed 3 CFR 3.1000 (a)]
>
> (a) State, tribes, or local environmental programs that wish to allow the maintenance of electronic records or documents in satisfaction of requirements under such programs **must revise or modify** the EPA-approved State, tribal, or local environmental program to **ensure that it meets the requirements of this part**. The State, tribe, or local government **must** use existing State, tribal or local environmental program procedures in making these program revisions or modifications.
> (b) In order for EPA to approve a program revision under paragraph (a) of this section the State, tribe, or local government **must demonstrate** that records maintained electronically under this program will satisfy **the requirements** under Sec. 3.100 of this part.
> [Proposed 40 CFR 3.3000]
>
> Today's proposal contains language that would **make compliance with these Part 3 criteria an element of all authorized State, tribal, or local programs** that wish to accept electronic reports or allow electronic recordkeeping.
> [66 FR 46171, column 2]
>
> In today's proposed rule, EPA is providing a set of **criteria that will have to be met by any system that is used to receive electronic documents** submitted to satisfy electronic document submission requirements under any EPA-authorized State, tribal, or local environmental program.

[66 FR 46171, column 3]

B. The proposed rule would impede current and future electronic reporting

Under the proposed rule, existing State systems that receive electronic reports would be disallowed. As currently proposed, on the effective date of the rule, current electronic reporting would not be allowed or recognized by EPA unless and until the State were to meet EPA's criteria for computer systems to receive electronic reporting and to secure EPA approval for revisions or modifications to the program. The proposed rule contains no process for seeking exceptions for existing reporting programs, nor is any language found about exemption or "grandfathering" of existing programs. The ability of States to receive reports electronically would be conditioned upon obtaining a program amendment, which would be unnecessary and unworkable.

Many States already have systems in place to allow electronic reporting from regulated facilities in their state. These are a few examples gathered from our members:

- Pennsylvania has developed a system, due to be operational by March 2002, which will allow any report a company submits to the State for any reason to be submitted electronically.
- Illinois receives NPDES permit application documents electronically.
- Ohio receives many reports electronically, including RCRA annual reports, air emission fee reports, NPDES discharge monitoring reports, and others.
- Texas receives a variety of waste and wastewater submission electronically.
- Louisiana requires electronic submission of Emergency Planning and Community Right-to-Know Act (EPCRA) section 312 Tier II reports. (Note that this is an

example of *mandatory* electronic reporting to a State.)

- States including Minnesota, Michigan, and New Jersey request electronic submission of Title V permits.

In addition, States are implementing a variety of other Internet-based systems, in some cases in partnership with EPA. For example, EPA and the TNRCC recently announced that they are providing funds to accelerate pilot testing of an Internet-based system that will enable first responders in emergencies to instantly view data and emergency plans. The E-Plan system will collect critical information usually kept in a paper format in various government agencies and store it on an Internet site.[36] A similar Internet site, developed with funding from the Department of Energy, is already operational for oil and gas-related facilities in Ohio.

States have demonstrated the ability to implement adequate systems without EPA mandates, and have made substantial investments to do so. The proposed rule would create a situation in which states do not have an option to use any computer system or program that has not been approved by EPA. EPA's statements that the rule is voluntary are based on the assumption that States have the option to implement a paper-only program (or other program using media not covered by EPA's definition of electronic document receiving system).[37] Thus, States may have a "choice" about whether to receive electronic reports, but they do not have the option to use an electronic receiving system that is outside the bounds of the EPA-prescribed model. Such a reversal of current practices and constraint of future ones is unacceptable. EPA should ensure that

[36] *TNRCC and EPA Developing Faster HAZMAT Emergency System: "E-Plan" Accelerated in Response to Terrorist Attacks*, TNRCC Press Release, December 11, 2001.

any existing electronic reporting to States be allowed to continue and, equally important, should allow States the freedom to implement future electronic reporting independent of mandates or stringent criteria from EPA.

C. The proposed reporting system criteria are prescriptive and burdensome

In addition to the general problem of EPA imposing an unnecessary mandate on States, there is the more specific problem of the proposed criteria for electronic reporting, which are complex, expensive, and prescriptive. Approximately half of the proposed regulatory language for the new 40 CFR Part 3 addresses electronic reporting under EPA-approved State, Tribal, or local programs. The proposed criteria EPA sets forth for "acceptable electronic document receiving systems" are lengthy, complex, and prescriptive—with specific technical requirements for computer system security, data validity, electronic signatures and certification, transaction records, and system archives.[38] They are not "technology neutral," because the criteria are specific enough to imply certain technologies, and they are not flexible enough to accommodate future technological advances. Compliance with EPA's criteria would require expensive upgrades to existing computer systems and/or purchase of new systems. Some of the upgrades that will be needed are not commercially available at this time. Most importantly, virtually all State investments in electronic data storage and reporting systems to date would be invalidated.

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[37] Proposed 40 CFR 3.3. *Electronic document receiving system* means any set of apparatus, procedures, software, records or documentation used to receive documents communicated to it via a telecommunications network.

[38] See proposed 40 CFR Part 3 Subpart D and preamble discussion at 66 FR 46171 – 46177.

D. EPA should not force the states to implement its onerous recordkeeping requirements

In addition to EPA's mandate on electronic reporting, States would be forced to incorporate the electronic recordkeeping provisions into their EPA-approved programs. As discussed above, the proposed recordkeeping requirements of 40 CFR 3.100 would be extremely burdensome and costly for the regulated community. Regulated facilities currently keep most environmental records electronically, and the proposal would require the States to disallow all electronic recordkeeping until the States adopt (and EPA approves) programs that incorporate EPA's complex criteria for recordkeeping systems. States already have demonstrated the ability to monitor compliance and conduct enforcement under the current recordkeeping regime, which allows electronic records. Imposing mandates as EPA proposes would hinder their efforts and create unnecessary burdens on State, local, and tribal entities.

V. EPA Has Not Met Regulatory Requirements

EPA's assertion that the proposed rule is voluntary is the start of a line of reasoning that inevitably leads to a false conclusion of cost savings. Starting from the premise that the proposed rule is voluntary, EPA's analyses assume that facilities that would incur net costs will not choose to report or keep records electronically. In its cost analysis for the recordkeeping portion of the rule, EPA assumes that only 0.5 percent of facilities will "elect" to implement electronic recordkeeping, and thus calculates that the rule will result in net savings. However, as discussed above, EPA is proposing mandatory requirements for electronic recordkeeping systems, not optional ones. The assumption that only 0.5 percent of facilities will keep electronic records is fallacious;

most facilities already do so. In analyses of the recordkeeping portion of the proposal, EPA assumes that the "baseline" scenario is paper recordkeeping. This assumption is patently incorrect; the baseline scenario is electronic recordkeeping. EPA must redo its analyses to reflect the actual baseline scenario. The proposed rule would impose costs on virtually all of the millions of facilities that keep records under environmental laws, including numerous small businesses.

Unless EPA completely rewrites the August 31, 2001 proposal to explicitly identify the recordkeeping criteria as voluntary guidelines and removes all verbiage about requirements, approvals, and other non-optional language, the proposed requirements must be treated as mandatory. Current EPA analyses totally misrepresent one of the most costly proposed rules in recent memory as a cost-saving proposal. Clearly, the Agency must conduct completely new analyses to meet the requirements of the executive orders and laws discussed below.

A. Executive Order 12866

In accordance with Sections 1(a) and (b) and Section 6(a)(3)(C) of Executive Order 12866, the Office of Management and Budget (OMB) instructs agencies to perform an Economic Analysis that provides information for making several determinations, as discussed in the table below. [39]

Required E.O. 12866 Determination	Electronic Reporting and Recordkeeping Proposal
• There is adequate information indicating the need for and consequences of the proposed action.	• EPA has shown no need for the proposed recordkeeping requirements or for the criteria for States.

[39] Office of Management and Budget, *Economic Analysis of Federal Regulations Under Executive Order 12866*, January 11, 1996.

Required E.O. 12866 Determination	Electronic Reporting and Recordkeeping Proposal
	• Except for limited vague statements about EPA's "overall mission" and "preserving the integrity of the Agency's enforcement activities," EPA has provided virtually no substantive discussion in the preamble of the need for the proposed requirements.
• The potential benefits to society justify the potential costs, recognizing that not all benefits and costs can be described in monetary or even in quantitative terms, unless a statute requires another regulatory approach. • The proposed action will maximize net benefits to society (including potential economic, environmental, public health and safety, and other advantages; distributional impacts; and equity), unless a statute requires another regulatory approach.	• The only way to derive more benefits than costs from this proposal is to mischaracterize it as "voluntary." The recordkeeping requirements, and the mandates on states, would be highly costly with no demonstrated benefits.
• Where a statute requires a specific regulatory approach, the proposed action will be the most cost-effective, including reliance on performance objectives to the extent feasible.	• The proposed approach is not mandated by statute. Requirements of the GPEA could be met with much simpler measures; see section D. below.
• Agency decisions are based on the best reasonably obtainable scientific, technical, economic, and other information.	• EPA has not based its Cost-Benefit Analysis on the best reasonably obtainable information. • The Agency has failed to obtain cost information from experience with the FDA requirements, which EPA used as the model for its electronic reporting and recordkeeping proposal. • API's comments provide additional information to EPA on the baseline scenario, the number of facilities affected, and the costs of the proposed requirements.

As just discussed, EPA's calculation of cost savings depends on its assumption that the baseline scenario is paper-based recordkeeping, when the actual baseline scenario

is electronic recordkeeping. Even if a company elects not to continue electronic recordkeeping, it would incur the costs of converting from the existing electronic system back to paper.[40] EPA's recordkeeping rule would force companies to either make the costly changes to meet EPA's criteria or downgrade to eliminate their electronic recordkeeping, which would also be an expensive, and probably infeasible, proposition. Under no scenario would there be cost savings associated with the recordkeeping requirements of the proposed rule. Assuming a minimum of 1.7 million affected facilities, a cost of only $60 per facility would bring the total costs of the proposed recordkeeping provisions to over $100 million, the definition of a "significant regulatory action." As discussed above in section II.C, the actual cost of the proposed rule could reach many billions of dollars.

EPA has underestimated not only the cost to regulated entities, but also the cost to States, Tribes, and local governments. As explained in Section IV above, if States wish to implement electronic reporting, which some States already do, they will have to upgrade their computer systems for receiving reports to meet EPA's criteria. It is likely that most, if not all, States will eventually move to full electronic reporting and, as explained above, meeting EPA's proposed criteria for these systems would be mandatory, not optional. EPA must include full consideration of these costs in its Cost-Benefit Analysis, and should gather additional information on the costs of system upgrades from information technology professionals and State representatives.

B. Paperwork Reduction Act

The Information Collection Request (ICR) that EPA has submitted to OMB for

[40] The effect of encouraging or forcing companies to convert to paper recordkeeping is contrary to the

the proposed rule is deficient in several major respects.[41] First, EPA's analysis of the recordkeeping portion of the proposal does not reflect that the proposed requirements would multiply current recordkeeping requirements many times over. Proposed Section 3.100(a)(9) would require archiving data in a manner that preserves the context of the data, the meta data, and an audit trail. The proposed requirement to preserve this information is a new recordkeeping requirement; it does not currently exist in any EPA regulation. The effect of the proposed requirement would be to create multiple required records for every one that exists now. EPA's ICR must reflect that the proposed rule would impose recordkeeping requirements not just for the record that is currently required, but for the many additional pieces of information that accompany a record if it is computerized (as most are).

Second, to describe the activities that respondents installing and maintaining an electronic record retention system would conduct, EPA's ICR states only that they will "[a] cquire and set up recordkeeping system; and [c] onduct annual maintenance." The ICR provides no further discussion of these activities. This oversimplification indicates that EPA did not obtain information on what is actually entailed in setting up and maintaining an electronic recordkeeping system as prescribed in its proposal. As detailed in the attached report, this is an extremely complex and costly process. Additionally, the ICR submitted to OMB contains unrealistically low estimates for the number of facilities affected and the cost of the proposed rule.

Finally, the ICR does not examine the time or cost burden for respondents to obtain a signature certification for reporting to EPA receiving systems, even though this

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spirit, if not the letter, of the GPEA.

activity is likely to be one of the most burdensome steps in the electronic reporting process. EPA states that the federal government has already received OMB approval to request respondent information to issue electronic signature certifications under the ACES program.[42] However, most potential users in the EPA-regulated community are not yet certified under the ACES program. The additional burden of obtaining certification would occur under the EPA proposed rule, and should be accounted for in EPA's ICR for electronic reporting and recordkeeping. EPA's Cost-Benefit Analysis should also include the cost of these activities in cost estimates for electronic reporting.

C. Regulatory Flexibility Act and Small Business Regulatory Enforcement Fairness Act

EPA concludes that the proposed rule "is not subject to the RFA because electronic reporting and record-keeping is voluntary" and certifies that the proposed rule "will not have a significant economic impact on a substantial number of small entities."[43] Unless EPA entirely rewrites and reissues the proposal as voluntary guidance and eliminates all language that indicates requirements, approvals, and specific criteria, the Agency is required to conduct a Regulatory Flexibility Act (RFA) analysis. If done properly, the analysis would demonstrate that the proposed rule would have a significant economic impact on a significant number of small entities.

The Small Business Regulatory Enforcement Fairness Act (SBREFA) requires that EPA convene a small business advocacy review panel prior to proposing any rule that will have a significant economic impact on a substantial number of small entities. As

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[41] Supporting Statement for Information Collection Request Number 2002.01, Electronic Reporting and Recordkeeping - Proposed Rule, November 20, 2000.

[42] EPA refers to Supporting Statement for the Access Certificates for Electronic Services, February 2000. Page 3 of the ICR.

noted above, EPA's *Fiscal Year 2000 Annual Report* stated that EPA's enforcement and compliance assurance program regulates approximately 8 million entities, and 6.5 million entities are small businesses or individual property owners. Many of these are likely maintaining electronic records under some requirements of Title 40. Accordingly, EPA should have convened a small business advocacy review panel prior to proposing this rule. EPA provides no indication in the preamble that this was ever done.

D. Government Paperwork Elimination Act

EPA cites the Government Paperwork Elimination Act (GPEA) of 1998, Public Law 105-277, in discussing mandates for electronic reporting and recordkeeping.[44] The GPEA requires federal agencies, by October 21, 2003 to provide:

> (1) for the option of the electronic maintenance, submission, or disclosure of information, when practicable as a substitute for paper; and
> (2) for the use and acceptance of electronic signatures, when practicable.[45]

The proposed rule is not necessary to provide the option of electronic maintenance of information (i.e., electronic recordkeeping), because electronic recordkeeping is already allowed. EPA should limit its efforts to only those necessary to eliminate any "paper only" regulatory language that currently exists in recordkeeping requirements. If EPA determines additional clarification is necessary, the Agency could promulgate simple language stating that electronic records satisfy any Title 40 recordkeeping requirement. EPA should provide for electronic submissions (i.e., reporting) and we hope that the Agency—working with the regulated community,

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[43] 66 FR 46186.
[44] 66 FR 46163.
[45] Section 1704.

information technology professionals, and others—will create a practical and cost-effective system for reporting that is no more burdensome than paper reporting.

As required by the GPEA, OMB issued *Procedures and Guidance; Implementation of the Government Paperwork Elimination Act* at 65 FR 25508-25521, May 2, 2000. Setting forth procedures that agencies should follow, OMB states that for agency information systems, an agency should:

> consider relative costs, risks, and benefits given the level of sensitivity of the process(es) that the system supports. Agency considerations of cost, risk, and benefit, as well as any measures taken to minimize risks, should be commensurate with the level of sensitivity of the transaction. Low-risk information processes may need only minimal consideration, while high-risk processes may need extensive analysis.

EPA has not conducted the GPEA risk analysis for its electronic reporting and recordkeeping proposal. EPA should do this analysis for both the reporting and recordkeeping portions of its proposal. This is necessary not only to meet GPEA requirements, but also to address concerns raised by the GAO about EPA's information security management. An adequate analysis would likely show that some of the registration, certification, and signature aspects of the reporting system go beyond what is appropriate for the sensitivity of the transactions, and that the costs of the proposed recordkeeping criteria greatly exceed their benefits and the risks they are purported to address.

Not only do the proposed requirements go further than required by the GPEA, they would have the perverse effect of discouraging electronic recordkeeping. The GPEA states that electronic records and their related electronic signatures are not to be denied legal effect, validity, or enforceability because they are in electronic form. GPEA seeks to "preclude agencies or courts from systematically treating electronic documents

and signatures less favorably than their paper counterparts." [S. Rep. 105-335] The proposed rule appears to attempt to deny the legal effect and validity of existing electronic records, by stating that only those electronic records that are kept under record-retention systems that meet the proposed criteria will satisfy EPA record-keeping requirements. The proposed rule would treat electronic documents less favorably than paper ones, in contravention of the spirit of the Act. EPA's own Cost-Benefit Analysis concludes that the proposed requirements would be so onerous that only a very small portion of facilities (fewer than one percent) would "elect" to keep electronic records. This was not what was intended by GPEA, which seeks to provide for electronic maintenance of information.

E. Unfunded Mandates Reform Act and Executive Order 13132

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104-4, establishes requirements for federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Section 202 of the UMRA requires EPA to prepare a written statement, including a cost-benefit analysis, for proposed and final rules with federal mandates that may result in expenditures to State, local, and tribal governments, in the aggregate, or to the private sector, of $100 million or more in any one year. EPA has determined that this rule does not contain a federal mandate that may result in expenditures of $100 million or more for these entities. EPA states that the electronic reporting and recordkeeping proposal "provides additional flexibility to the States in complying with current regulatory requirements and reduces the burden on affected governments."

The proposed rule does not provide additional flexibility to the States. To the contrary, it would codify complex criteria that would impose a mandate for States on how to implement systems to receive electronic reports. The proposed criteria are not voluntary for States that want to receive reports electronically, as many States already do. EPA needs to recognize that the proposed rule would impose a substantial federal mandate, and should revise its analyses to reflect this.

Also, given the impacts of the proposal on States, EPA must acknowledge that the proposed rule has federalism implications, as defined under Section 6 of Executive Order 13132. Policies that have federalism implications, as defined in the Executive Order, include regulations that have "substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government." The proposed rule definitely would have substantial direct effects on the States, because it would mandate how to conduct electronic reporting and would force States to implement the proposed recordkeeping requirements. Thus, EPA is required by the Executive Order to either pay the costs that would be incurred by State and local governments, or to consult with State and local officials early in the process of developing the proposed regulation.

EPA incorrectly concludes that the proposed rule would not have substantial direct effects on States, and that the requirements of Section 6 of Executive Order 13132 do not apply. The Agency claims that "[a]lthough section 6 of Executive Order 13132 does not apply to this rule," it did consult with State and local officials in developing the proposed rule. However, EPA does not provide any information on the format and content of its consultations. EPA is obligated to acknowledge the federalism implications

of the proposed rule and to conduct a full consultation as required under Section 6 of the Executive Order. EPA should provide more complete information on any consultations that it has with State and local representatives.

F. Executive Order 13211

EPA concludes that the proposed rule is not a "significant energy action"" as defined in Executive Order 13211, *Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use* (66 FR 28355, May 22, 2001). The Agency states that the rule "is not likely to have any adverse energy effects" and concludes that the proposed rule is not likely to have a significant adverse effect on the supply, distribution, or use of energy. [46]

The proposed rule does have the potential to have adverse energy effects. Large energy facilities, such as petroleum refineries, have complex computer systems and would incur relatively high costs as a result of the recordkeeping requirements, likely in the millions of dollars per facility. For example, one of our member companies has estimated that the costs of compliance for its U.S. sites will be at least $150 million.[47] Note that the estimated costs for this *one energy company* would be larger than the $100 million total threshold (for total impacts for all companies) used to define a "significant regulatory action."

Moreover, the proposed rule could have immobilizing impacts on many small exploration and production facilities. Approximately 350,000 exploration and production facilities operate across the U.S. Many facilities are remotely operated and dependent on computerized systems. These computerized systems include functions for keeping

[46] 66 FR 46187.

records under Title 40 requirements. Upgrading these systems to meet the proposed requirements would be disruptive and expensive. The "option" of returning to paper recordkeeping would be infeasible at these highly automated facilities. Even assuming EPA's low cost estimate of $40,000 for an electronic recordkeeping system that would meet EPA's requirements, the cost would have substantial economic impact on many of these small facilities, possibly enough to force closure of some. In the energy and production area of the energy business, property ownership changes frequently. When a company acquires a new exploration or production facility, it usually does not convert its computer systems (e.g., electronic data recording, types of monitoring or recording devices, etc.) to match those of the acquiring company, because it is not cost effective to do so. Thus, even within the same company, there are numerous varied types of computer systems at exploration and production facilities. Achieving compliance at a company's exploration and production facilities would require modifying thousands of different computer systems at these sites. This would raise capital costs at these sites dramatically, likely high enough to result in making some sites no longer economically viable.

Another category of sites that would like be affected by the proposed rule is service stations. For example, one of our member companies has sites that include over 6,000 service stations, nearly all of which have a computer processor for data management, which may include management of data used for determining obligations and/or compliance with environmental laws.[48]

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[47] Testimony of B.P America, Inc. at EPA public hearing, Chicago, IL, November 9, 2001.
[48] Testimony of BP America.

Loss of, or interruption in the operation of, any exploration and production sites or service stations could cause significant energy effects that EPA should acknowledge and consider further. As required under Executive Order 13211, EPA should prepare and submit a Statement of Energy Effects to OMB.

In conclusion, the proposed rule has numerous serious flaws, and EPA should withdraw it and focus on implementing electronic reporting. API supports EPA's intent to provide for electronic reporting, and would be happy to work with the Agency to help develop a practical and cost-effective electronic reporting scheme.

TECHNICAL AND COST ANALYSIS
PREPARED FOR THE

AMERICAN PETROLEUM INSTITUTE

BY

Data Systems & Solutions

February 26, 2002

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The American Petroleum Institute (API) contracted Data Systems and Solutions (DS&S) to perform a technical feasibility and cost evaluation of EPA's August 31, 2001 proposed rule to establish electronic reporting and recordkeeping requirements [66 Federal Register 46162-46195]. DS&S is a 600-person consulting firm that maintains a Process Industries consulting services practice that is focused on designing, selecting, implementing and integrating environmental, health and safety (EH&S) management information systems (EMIS) for various industries. DS&S has designed and implemented numerous systems for Fortune 500 companies that use information systems to manage the data required to support environmental compliance calculations, recordkeeping, and reporting.

The Cross Media Electronic Reporting and Recordkeeping Rule (CROMERRR) proposes that the EPA and the states that have been delegated authority to administer environmental programs develop a Central Data Exchange (CDX) to allow regulated entities to report environmental information in an electronic format. EPA will develop the infrastructure required for regulated entities to submit electronically signed environmental reports via a secure environment (e.g., virtual private network). Figure 1 provides the EPA's proposed layout for the CDX. For definitions of the various components of the CDX, the reader is referred to United States Environmental Protection Agency - Central Data Exchange Technology.

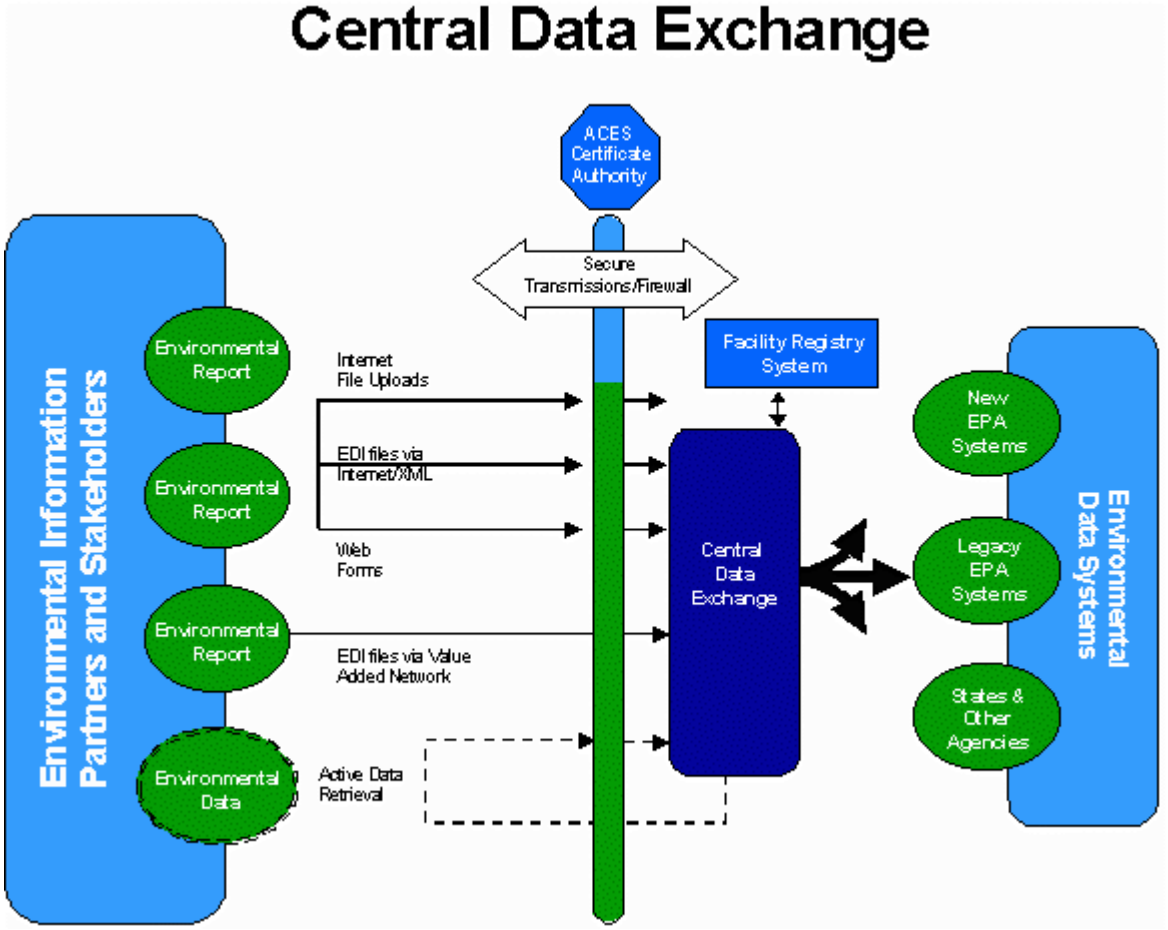

Figure 1. Proposed EPA Central Data Exchange.

EPA indicates they are not specifying the infrastructure (e.g., hardware and software) required for organizations to comply with the proposed electronic recordkeeping requirements. However, regulated entities desiring to maintain electronic environmental records would be required to install and maintain "electronic record-retention systems" that contain an audit trail and electronic signature functionality for records that currently require a written signature.

REPORTING REQUIREMENTS – SUBPART B

EPA is proposing to allow regulated entities to submit electronic documents if the document is "submitted to an electronic document retrieving system as provided under paragraph (b) of this section" and "…bears valid electronic signatures…to the same extent that the paper submission for which it substitutes would bear handwritten signatures." Submittal of electronic records is voluntary and could be accomplished in one of three ways:

- Web Forms – forms that would run on the web and allow registered end-users to manually input report information into a packet that would be signed and submitted to the CDX via a secure environment;
- Electronic data interchange (EDI)- specially formatted (e.g., ANSI X12) electronic files that would be signed and submitted to the CDX via a secure environment; or
- XML – extensible markup language files that would be specially formatted as defined by a document type declaration (DTD), signed, and submitted to the CDX via a secure environment**.**

Thus, for regulated entities that do not currently have all of their environmental information in a centralized information system that can generate EDI and/or XML files, EPA would provide "web forms" which the regulated entity could use to input the required reporting data.

For those organizations that currently have an environmental management information system (EMIS) or a similar application that tracks the data elements required for environmental reports, the EPA will accept EDI and/or XML files that may be generated from the regulated entities' applications, electronically signed, and submitted to the EPA's electronic document retrieving system.

In our professional opinion, the requirements of the proposed reporting part of CROMERRR could, technically, be implemented but not without increased costs and adverse impacts to the regulated community and the state agencies. To accept electronic data, the states will have to upgrade their computer systems to the criteria specified by CROMERRR and receive EPA approval of the upgraded system. EPA has proposed, via the CDX architecture, to use existing best practices for the exchange of confidential information over the Internet. However, the cost to implement EPA's version of best practices will be significant due to the fact that such practices are not currently in place within the majority of the state agencies and it is unclear that these practices could be implemented in a cost-effective manner. Table 1 provides a summary of additional comments regarding the electronic reporting provisions of CROMERRR.

Table 1. Comments on Reporting Requirements.

FR Pages	Issue	Recommendation
66 FR 46165 66 FR 46177	For organizations using the web forms method of submission, all of the calculations required to generate the data required to complete the environmental report must be generated in some external form (Excel spreadsheets, manual calculations, database applications, etc.). The information must then be re-keyed into the EPA provided web forms. The effort of re-keying the information will introduce the potential for human error due to the redundant data entry. Further, if each state implements their own version of the CDX and associated web forms, companies may end up dealing with many different versions of the web forms that are to be used for data entry, increasing costs exponentially.	EPA should work with industry to develop data validation methods for data input into the web forms that minimize potential data entry errors. EPA should work with state agencies to develop a common set of interfaces that will be used for data entry so that the regulated community does not end up having to train end-users on the procedures required to use multiple versions of the web forms.
66 FR 46165	For organizations that have invested in custom or commercial off-the-shelf EMIS applications, the cost to develop and maintain the required EDI and/or XML file formats are anticipated to be $30,000 - $100,000 depending on the source EMIS application and the complexity of the EPA developed file formats. Additional cost will be incurred as the file formats are modified over time.	The costs associated with the development of these electronic submission methods should be incorporated into the EPA's cost/benefit analysis.
66 FR 46165 66 FR 46177	Many organizations are currently using available magnetic disk based reporting options (e.g., ATRS). The proposed reporting methods appear to exclude these existing forms of electronic reporting.	Since costs associated with modifying existing environmental reporting workflows are significant, the existing reporting methods (manual and electronic) should remain unchanged. EPA should grandfather all existing electronic reporting methods currently in use.
66 FR 46165	EPA's changes to the electronic submission files and procedures may not be released in time to allow the regulated community to make appropriate changes to the system and/or workflows they have implemented to support electronic reporting.	EPA needs to specify periods within which any proposed changes to the reporting file formats or web forms can be beta-tested before being released to the regulated community

FR Pages	Issue	Recommendation
66 FR 46183	EPA is considering the use of "localized" CDX client software, which would prevent access of the CDX client software by any other PC on the network. An end-user would be prohibited from changing machines or using an alternate PC (from which the CDX client software was installed) without applying for a new certificate for the new machine. Since several people may use the same data in a facility for a variety of reports, multiple registrations will be necessary. Multiple registrations will result in increased cost to register and to document who is registered and on which computer.	EPA should allow the required software to run from a network server that requires user authentication via a log in. This would eliminate the problem of having a user confined to a single machine when attempting to perform electronic reporting.
66 FR 46179	The proposed CDX infrastructure depends upon Internet connectivity but EPA has not specified an alternative means for submitting electronic information when access to the CDX is unavailable.	Accepting submittals via magnetic disk or other alternative means for making a secure file transmission must be incorporated into any requirements for electronic reporting.
66 FR 46179	The proposed CDX requirements are too prescriptive and will present significant challenges to state agencies trying to implement the CDX architecture within their existing information technology environment. Since most reports are currently submitted to state agencies, EPA should specify a reporting architecture that allows state agencies that currently have electronic reporting mechanisms in place to continue without interruption. In Texas, for instance, many facilities use TNRCC electronic reporting (e.g., STEERS, CEIS, etc.) for submitting annual air emission inventories and waste summaries. Requiring each state to modify their existing infrastructure to EPA specifications is an unnecessary and costly requirement.	EPA should set minimum standards that allow the state agencies to use their existing security infrastructures to comply with the secure submission requirements. By allowing agencies to use their existing infrastructure, the cost and disruption to state agencies will be minimized.

Recordkeeping Requirements – Subpart C

In Subpart C §3.100(a), the proposed rules states "An electronic record[1] or electronic document will satisfy a recordkeeping requirement of an EPA-administered federal environmental program under this Title only if it is generated and maintained by an acceptable electronic record-retention system[2] as specified under this subsection. Specific requirements for an acceptable electronic record-retention system are as follows:

(1) Generate and maintain accurate and complete electronic records and electronic documents in a form that may not be altered without detection;

(2) Maintain all electronic records and electronic documents without alteration for the entirety of the required period of record retention;

(3) Produce accurate and complete copies of any electronic record or electronic document and render these copies readily available, in both human readable and electronic form, for on-site inspection and off-site review, for the entirety of the required period of record retention;

(4) Provide that any electronic record or electronic document bearing an electronic signature contain the name of the signatory, the date and time of signature, and any information that explains the meaning of the affixed signature;

(5) Prevent an electronic signature that has been affixed to an electronic record or electronic document from being detached, copied, or otherwise compromised;

(6) Use secure, computer-generated, time-stamped audit trails that automatically record the date and time of operator entries and actions that create, modify, or delete electronic records or documents;

(7) Ensure that record changes do not obscure previously recorded information and that audit trail documentation is retained for a period at least as long as that required for the subject electronic records or electronic documents to be available for agency review;

(8) Ensure that electronic records and electronic documents are searchable and retrievable for reference

[1] Electronic record – any combination of text graphics, data, audio, pictorial, or other information represented in a digital form that is created, modified, maintained, archived, retrieved or distributed by a computer system.

[2] Electronic record retention system – any set of apparatus, procedures, software, records or documentation used to retain exact copies of electronic records and electronic documents.

and secondary uses, including inspections, audits, legal proceedings, third party disclosures, as required by applicable regulations, for the entirety of the required period of record retention;

(9) Archive electronic records and documents in an electronic form which preserves the context, meta data, and audit trail, and, if required, must ensure that:

(i) Complete records can be transferred to a new system;

(ii) Related meta data can be transferred to a new system;

(iii) Functionality necessary for use of records can be reproduced in new system

Currently, API member companies, have varying methodologies for complying with the 40 CFR recordkeeping requirements. However, the universe of potential methods for compliance are generally represented by one of the following:

- Manual logs;
- Combination of manual and electronic logs (e.g., manual data copied into an Excel spreadsheet or custom database); or
- Electronic logs from existing information systems (e.g., analytical data from a laboratory information system).

Since the definition of electronic record and electronic record retention system are so broad, only the use of manual logs will be excluded from coverage of the recordkeeping requirements of CROMERRR. Even so, if data used to support recordkeeping requirements were copied into a spreadsheet, custom database, or in an existing information system, the requirements of the proposed rule would appear to apply. Otherwise, any system that is used for complying with an environmental recordkeeping requirement would have to comply with the specific requirements detailed in the recordkeeping portion of the proposal.

We believe that EPA has vastly underestimated the number of existing systems that would be impacted by the proposed rule. There is widespread use of computers and computer systems that EPA has not considered. While not complete, the following list is indicative of the many other systems in current use that would be impacted by the proposed recordkeeping requirements.

- **Laboratory information management systems (LIMS)** – LIMS are generally used by the laboratories supporting upstream and downstream petroleum operations to store analytical results associated with the monitoring of water discharges, waste compositions, and air emission speciation profiles. Many refineries that are subject to the Benzene Waste NESHAP use the LIMS as a

fundamental component for maintaining records of the benzene concentration of various refinery streams.

- **Process Historians** – Most refineries and large gas plants as well as some E&P sites, pipeline breakout stations and distribution terminals have a process data historian (e.g., OSI's PI, AspenTech's IP.21, Honeywell's PHD) for archiving process data from distributed control systems, supervisory control and data acquisition (SCADA) packages and even some manual operator entries. The process historians are often used to track process flowrates, discharge rates, stream temperatures, and other process variables that must be recorded to satisfy 40 CFR recordkeeping requirements.
- **Distributed Control Systems (DCS)** – The DCS is the device that tracks various unit operation inputs (e.g., temperatures, flows, pressure, etc.) and makes the data available for process control. The DCS provides the historian with data that are ultimately compressed and used for optimization, statistical process control, and other engineering functions. Distributed control systems are generally found in refinery operations and in some gas plants.
- **Computerized Maintenance Management Systems (CMMS)** – Most petroleum companies install and maintain a CMMS (e.g., PSDI Maximo, SAP PM) for the purposes of managing maintenance-related work orders. Environmental professionals often use a CMMS to generate records of visual inspections being performed, equipment leak repairs, and similar maintenance-type environmental records.
- **Yield Accounting or Production Accounting and Data Reconciliation (PADR) Systems** – Most petroleum companies use yield accounting or PADR applications that track product yields and tank inventories. These tank inventories are used to demonstrate compliance with production limits and to satisfy throughput recordkeeping requirements in permits.
- **Enterprise Resource Planning (ERP) and Procurement Systems**- The petroleum companies use ERP systems (such as SAP) in order to consolidate many of the financial functions associated with their operations. ERP applications are used to satisfy recordkeeping requirements that require documentation of the amount of chemicals procured, the amount of fuels burned in combustion sources and the amounts of various products produced over a given timeframe.
- **Environmental Management Information Systems (EMIS)** – It is increasingly common for refineries and other petroleum industry sectors to install and maintain EMIS applications for tracking air, water, waste, and chemical inventory information required to comply with both environmental reporting and recordkeeping requirements. Most EMIS packages also contain "task management" functionality that allows environmental professionals to issue recordkeeping tasks to operations personnel and record the resulting records.
- **Continuous Emissions Monitors (CEMS)**- CEMS are used to comply with the continuous monitoring requirements of various CAA (i.e., NSPS, NESHAP, MACT) and state regulations. The CEMS consist of programmable logic

controllers and specialized measurement devices to monitor specific pollutants from stacks. The CEMS monitoring is data intensive as it involves taking multiple measurements every minute. Obviously, there are very significant data storage issues associated with maintaining all these measurement values for a lengthy time frame.

While our list is not inclusive of all the systems used by the petroleum industry, it is indicative of the different types of systems in common use that have not been addressed by EPA. None of the systems listed are compliant with all of the proposed recordkeeping provisions and each would require significant modification if this rule is finalized as proposed. Furthermore, most of the data in the aforementioned systems are not required to be archived for the regulatory record retention periods mandated by the proposed CROMERRR. ***In developing the proposed rule, it is apparent that the EPA did not consider the vast number of existing systems that are used by industry to record environmental compliance information.***

EPA has stated that the estimated cost to "implement a new recordkeeping system is $40,000 for each facility, and the net average annual cost savings for operating the electronic recordkeeping system is $23,000." ***Considering the number of information systems that would be impacted by the proposed CROMERRR, EPA's estimates of the financial impacts to facilities are significantly underestimated.*** The process that would be required to identify and remediate the area where existing systems are not compliant with CROMERRR would be similar to the processes followed to address the Y2K problems. At a minimum, facilities would be required to take the following steps:

1. Develop a comprehensive inventory of all information systems that are used to support environmental monitoring and recordkeeping;
2. Conduct a detailed assessment of each application in order to identify gaps between the application's functionality and each of the requirements of CROMERRR;
3. Remediate the "gaps" via custom code, new software, or a bolt-on to existing software;
4. If the impacted application is integrated with other information systems (e.g., the lab system is typically integrated with the process historian) each of the integration routines must be updated;
5. Reports from the impacted system must be re-developed in accordance with the changes that are made to the underlying application;
6. System documentation and user manuals must be updated; and
7. End-user training must be conducted.

Table 2 provides an example of the cost estimates for a hypothetical site that is using a CEMS, laboratory information system, process historian, procurement system, and an environmental management information system to manage environmental records.

Table 2. Sample Site Costs to upgrade existing systems

	CEM	Lab System	Historian	Procurement System	Environmental System	Total ($M)
***Inventory**	-	-	-	-	-	15
***Assess**	15	15	20	25	20	95
***Remediate**	75	200	200	350	250	1,075
***Update Integration**	10	75	75	200	100	460
***Reports**	10	25	25	75	50	185
***Documentation**	10	20	30	30	30	120
***Training**	10	20	30	50	30	140
						2,090

Most facilities have a minimum of 10 to 20 major applications (as opposed to the 5 shown in Table 2) to support environmental recordkeeping requirements. Therefore, the total costs per facility would be 2 to 5 times that shown in Table 1 ($4M - $10M). It is important to note that the estimates in Table 2 assume that the application can be remediated as opposed to requiring complete system replacement. In the event that the impacted applications required a complete replacement, the costs would, at a minimum, double.

To provide additional support to the estimates provided in Table 2, an API member conducted an assessment to determine the costs associated with upgrading an existing, custom developed application that is used to perform emissions inventory and TRI emissions calculations. The application took about 12 – 15 man-years of development effort. The original information technology (IT) contractor that developed the application performed a review of the application against the audit trail, retrieval and retention requirements of CROMERRR. The IT contractor concluded that an extensive re-write of the application would be required and that the enhancements would take a minimum of one man-year and cost between $200,000 and $250,000 to complete. Considering the significant impact that CROMERRR has on existing applications and the number of applications involved in environmental recordkeeping, we believe the proposal has the potential to have a cost impact on the petroleum industry that is similar to that of Y2K[3].

As part of the Y2K remediation projects conducted by industry, most organizations have made the shift from maintaining custom information systems to purchasing commercial off-the-shelf (COTS) software applications. Thus, an additional complexity of CROMERRR is that COTS providers would need 9 to 16 months to upgrade their

[3] API resources indicate that over $2 billion dollars were spent by the oil and gas sector on Y2K readiness.

applications to become compliant --- if such an upgrade were even feasible. During the interim period, industry would be forced to incur costs to develop custom intermediate software fixes or revert to manual recordkeeping.

In the rare instance where existing information systems are not in place for compiling environmental records, many companies use custom spreadsheets and databases for recording backup data, calculations, estimates, inventory, purchases, and other data needed to compile environmental reports. Custom spreadsheets and databases will not meet the recordkeeping requirements as proposed and would have to be replaced or upgraded with systems that comply with the strict audit trail requirements in CROMERRR. The estimated cost to implement an electronic record-retention system would range between $150,000 - $200,000 per facility based upon the type of facility and the types of systems to be implemented.

In addition to the costs associated with upgrading computer systems to meet the CROMERRR recordkeeping requirements, the proposed rule is problematic in several other aspects; these are detailed in the following table

Table 3. Comments on Recordkeeping Requirements.

Section	Issue	Recommendation
Section 3.100(a)(3) An electronic record-retention system should be readily available for "…on-site inspection and off-site review, for the entirety of the required period of record retention."	In some cases, records are kept in a central location and not immediately available on-site for the required retention period. Worse, EPA suggests that industry allow access to facility information from off-site. Most facilities do not maintain computer systems that would allow non-employees to access their environmental data from off-site. Clearly, this would not only require additional computer upgrades but would raise serious concerns about confidential business information.	The amount of data available for on-site and off-site review should be limited to the current year and the previous reporting year. All other historical data should be allowed to be stored in accordance with normal industry back-up procedures, including off-site storage.

Section	Issue	Recommendation
§3.100(a)(5) Suggests that no mechanism for detaching, copying, or otherwise compromising an electronic signature be present.	Most applications allow system administrators to modify records within an application (due to their administration privileges). This section would necessitate a system designed solely to meet the CROMERRR regulations and prohibit the use of existing tracking systems for business purposes other than environmental recordkeeping. Such a requirement would force businesses to implement new systems with excessive amounts of redundant data.	Only "reasonable security measures" on applications used to support electronic environmental recordkeeping should be required of any facility system.
§3.100(a)(6) addresses "computer-generated, time stamped audit trails…"	This section would require computer software beyond the capability of most of the systems currently used. While existing systems do have security functions that ensure successful operation of the refinery, pipeline, or E&P facility, the systems are not able to document an "audit trail" such as EPA is proposing.	This section should be removed and replaced with language that grants access to only trained end-users with known security profiles.

Section	Issue	Recommendation
§3.100(a)(8) Electronic records and electronic documents are "searchable and retrievable…"	This goes beyond normative backup measures used by facilities. Normally data are backed up on tape drives. As an application goes out of service, the application is removed and data remains stored on tape drives or similar storage media. In order for the electronic records to remain searchable and retrievable an application would be required to stay on line for the entire data retention period. Depending on the regulation, this could be decades. With the rapid advance of information technology, it is highly unlikely that a given information system will remain viable throughout the record retention period. Thus, industry would need to keep legacy applications up and running even though the business requires more modernized software applications. The only other option would be to develop complex data warehouses to archive the data so that the electronic records would be searchable and retrievable for the entire record retention period. This is a costly option as data warehousing efforts are very resource intensive and can result in six figure costs.	This section should be withdrawn.

Section	Issue	Recommendation
§3.100(a)(9) Electronic records are archived to preserve the context, meta data, and audit trail.	While many businesses have systems to archive records, the systems do not necessarily archive the data in a manner that preserves the context of the data and the meta data. If a calculation is performed, the system would have to be capable of archiving the calculation algorithm and each element of the calculation in such a manner that it could be reproduced in a new system. Most systems are incapable of doing this. Furthermore, similar to §3.100(a)(8) this section could prohibit a company from taking an outdated application offline as it ages solely because this level of detailed archive is maintained. Companies will end up incurring unnecessary maintenance costs on applications that they are no longer using in order to comply with this section.	This section should be withdrawn.
§3.100(c)	This section would prevent the use of electronic recordkeeping systems until EPA finalizes an electronic reporting and recordkeeping rule. As almost all facets of the petroleum industry currently use information management systems to support environmental recordkeeping, the proposed rule could result in non-compliance situations for all the existing computer recordkeeping systems.	All existing electronic recordkeeping systems should be "grand fathered".

Table 4. Other Issues.

EPA Request for Comment	Comment	Recommendation
66 FR 46170 Storage Media Issues	EPA states that a "CD-ROM version of a record originally stored on electromagnetic tape will not satisfy federal recordkeeping requirements unless the method for transferring the record from one medium to the other employs error-checking software to ensure that the data is completely and faithfully transcribed." This requirement is excessive and will be very costly to industry. Such methods of using "error-checking" software are not currently in common use within industry and go beyond existing best practices for archiving data.	For any archiving requirements, EPA should ensure that proposed requirements are consistent with existing industry practices.
66 FR 46174 Registration Process	The registration and renewal process are onerous and more stringent than measures currently in place for paper records. Furthermore, it is not possible for a computer system to be designed that can detect the "intent" of the end-user. Regardless of the technology used for the certification process, a password-based application will be installed on the end-user's machine. However, technology cannot prevent an end-user from allowing another to use his/her password although such practices can be discouraged. Attempting to use rigorous technological standards to eliminate the possibility of someone other than the designated representative to sign a document should be avoided.	EPA should work with the regulated community to develop less onerous procedures for the registration of end-users.

EPA Request for Comment	Comment	Recommendation
66 FR 46177 Cost and Benefit Analysis	The cost and benefit analysis performed by EPA neglects several key costs associated with the implementation of the proposed rule. First, there are costs associated with implementing the electronic reporting component. As identified in this report, for those companies that have existing EMIS applications, there will be costs to develop mechanisms to generate the file formats to be submitted to EPA. The costs have been underestimated and assume less complex systems than currently exist within the petroleum industry. More significant is the EPA's lack of consideration of all of the existing electronic recordkeeping systems that are currently in place within the regulated community. There are many standard applications that will be impacted by this regulation. The costs to modify the current applications in order to be compliant with the proposed CROMERRR requirements have not been identified or addressed in EPA's cost analysis.	EPA should address the true cost of this proposal, including the existing systems and fact that these are mandatory---not voluntary--- requirements.
66 FR 46181 Identity Proofing	The identity proofing components of the CDX registration process are excessive and require the employees provide personal information in order to obtain access to the CDX. EPA's suggestion to ask individuals to provide social security numbers, credit card numbers, driver's license information, home address and other personal information is not necessary to prove the identity of an individual in relation to a given regulated entity. A letter from a responsible company official that provides business related information regarding an individual (name, business phone, title, employee id, and company e-mail address) would be sufficient to establish the identity of an individual.	Remove any personal identification data from the registration process.

EPA Request for Comment	Comment	Recommendation
66 FR 46183 CDX Architecture, do the CDX system requirements impose unacceptable costs or burdens on regulated entities, and whether additional processors and operating systems should be accommodated.	While the CDX architecture is technically achievable, the remainder of the proposed rule is an overkill and unnecessary in many respects. EPA has proposed requirements that will discourage electronic reporting and recordkeeping rather than encourage it.	The proposed rule is fatally flawed and should be withdrawn.

GLOSSARY OF TERMS

- **Computerized Maintenance Management System (CMMS)** – A software application designed to automate maintenance related activities (e.g., routine/preventive maintenance). A typical CMMS would consist of a graphical user interface and a database for tracking maintenance work orders and associated information such as personnel information, parts information, cost information, inventory information, etc.
- **Distributed Control System** – A combination of hardware and software used to monitor and control parameters (temperature, pressure, flow, etc.) within a unit operation.
- **Electronic Data Interchange (EDI)** - The transfer of data between different companies using networks, such as the Internet. EDI is becoming increasingly important as an easy mechanism for companies to buy, sell, and trade information. ANSI has approved a set of EDI standards known as the *X12 standards*.
- **Extensible Markup Language (XML)** - XML is a pared-down version of SGML, designed especially for Web documents. It allows designers to create their own customized tags, enabling the definition, transmission, validation, and interpretation of data between applications and between organizations.
- **Laboratory Information Management System (LIMS)** – A software application designed to assist laboratories in the process of scheduling and tracking the results of analyses performed in the laboratory. A typical LIMS would consist of a graphical user interface and a database for tracking laboratory information.
- **Process Historian** – A software application that used tags to track various parameters of interest within a plant. The historian generally accepts data from distributed control systems, process logic controllers, and/or other hardware that monitor parameters of interest. Most process historians use proprietary compression algorithms to reduce the total number of data points logged for a given parameter/tag. Process Historians generally consist of a graphical user interface and a real-time database.
- **Public Key** - A mathematically-derived code provided by a certificate authority. The public key is stored in the digital certificate and can be combined with the private key to encrypt and decrypt messages.
- **Public Key Infrastructure** - A software application that allows users to encrypt and send information securely over a public network.
- **Standard Generalized Markup Language (SGML)** - A system for organizing and tagging elements of a document. SGML was developed and standardized by the International Organization for Standards (ISO) in 1986. SGML itself does not specify any particular formatting; rather, it specifies the rules for tagging elements. These tags can then be interpreted to format elements in different ways.

- **Supervisory Control and Data Acquisition (SCADA) System** - a combination of hardware and software that is used to monitor and control parameters (temperature, pressure, flow, etc.) within a unit operation.
- **Virtual Private Network** - Using an existing public telecommunications infrastructure to create a private, secure data network.
- **Web Form** - A standard interface that can be downloaded from the Internet. A Web form contains text boxes for a user to enter data. Users can then submit the form (e.g., environmental reports) to the receiver.
- **Yield Accounting/Production Accounting and Data Reconciliation (PADR) System** – A software application that allows end-users to set up simulations of a given unit operation and then perform material balances on the unit operation in order to determine yields for accounting purposes. A typical yield accounting system consists of a graphical user interface and a database.

Federal Environmental Regulations Signature Requirements

NOTE: THIS DOCUMENT IS NOT A COMPLIANCE ASSURANCE DOCUMENT. THE REQUIREMENTS ARE NOT PROVIDED IN THEIR ENTIRETY AND SOME REQUIREMENTS MAY HAVE BEEN INADVERTENTLY OMITTED.

Air

Regulation Name	Subpart	Signature/Certification Requirement	Authority	Signature
NSR (40 CFR part 52)				
General Provisions	A	40 CFR 52.21(j) – "No stationary source or modification…shall begin actual construction without a permit…" Each facility subject to NSR/PSD must submit an application. No discussion in this section regarding signing/certifying the application. 40 CFR 52.21(n) – "The owner or operator of a proposed source or modification shall submit all information necessary to perform any analysis or make any determination required under this section." No discussion in this section regarding signing/certifying the submittal. 40 CFR 52.21(v)(1) – "An owner or operator of a proposed major stationary source or major modification may request the Administrator in writing…to approve a system of innovative control technology." No discussion in this section regarding signing/certifying the request. 40 CFR 52.21(w)(1)(2) – "Any owner or operator of a stationery source or modification who holds a permit…may request that the Administrator rescind the permit or a particular portion of the permit." No discussion in this section regarding signing/certifying the request.		
NSPS (40 CFR part 60)				
General Provisions	A	40 CFR 60.5(a) – "When requested…by an owner or operator, the Administrator will make a determination of whether action taken or intended to be taken…constitutes construction or modification…" No discussion in this section regarding signing/certifying the request. 40 CFR 60.6(a) – "When requested to do so by an owner or operator, the Administrator will review plans for construction or modification…" No discussion in this section regarding signing/certifying the request. 40 CFR 60.7(a) – "Any owner or operator…shall furnish the Administrator written notification as follows: (1) A notification of the date construction…commenced… (2) A notification of the anticipated date of initial startup… (3) A notification of the actual date of initial startup…		

Regulation Name	Subpart	Signature/Certification Requirement	Authority	Signature
		(4) A notification of any physical or operational change… (5) A notification of the date upon which demonstration of the continuous monitoring system performance commences… (6) A notification of the anticipated date of conducting the opacity observation… (7) A notification that continuous opacity monitoring system data results will be used to determine compliance…in lieu of Method 9 observation data…" No discussion in this section regarding signing/certifying the notifications. 40 CFR 60.7(c) – "Each owner or operator required to install a continuous monitoring system (CMS) or monitoring device shall submit an excess emissions monitoring systems performance report…to the Administrator semiannually…" See 40 CFR 60.7(d). 40 CFR 60.7(d) – "The summary report form shall contain the information and be in the format shown in figure 1…Figure 1 – Summary Report…I certify that the information contained in this report is true, accurate, and complete." No discussion in this section regarding who must sign the certification. 40 CFR 60.7(e)(2) – "The frequency of reporting of excess emissions and monitoring systems performance (and summary) reports may be reduced only after the owner or operator notifies the Administrator in writing…" No discussion in this section regarding signing/certifying the notification. 40 CFR 60.8(a) – "…the owner or operator of such facility shall conduct performance test(s) and furnish the Administrator a written report of the results of such performance test(s)." No discussion in this section regarding signing/certifying the report. 40 CFR 60.8(b) – "…unless the Administrator (1) specifies or approves…the use of a reference method with minor changes in methodology, (2) approves the use of an equivalent method, (3) approves the use of an alternative method…, (4) waives the requirement for performance tests…, or (5) approves shorter sampling times and smaller sample volumes…" No discussion in this section regarding signing/certifying the request for approval. 40 CFR 60.8(d) – "The owner or operator of an affected facility shall provide the Administrator at least 30 day prior notice of any performance tests…" No discussion in this section regarding signing/certifying the notification. 40 CFR 60.8(f) – "…each performance test shall consist of…In the event that a sample is accidentally lost…compliance may, upon the Administrator's approval, be determined…" No discussion in this section regarding signing/certifying the request for approval.		

Regulation Name	Subpart	Signature/Certification Requirement	Authority	Signature
		40 CFR 60.11(b) – "Compliance with the opacity standards in this part shall be determined by…Method 9…, any alternative method that is approved by the Administrator…" No discussion in this section regarding signing/certifying the request for approval. 40 CFR 60.11(e)(1) – "…the source owner or operator shall reschedule the opacity observations as soon after the initial performance test as possible…and shall advise the Administrator of the rescheduled date." No discussion in this section regarding signing/certifying the notification. 40 CFR 60.11(e)(2) – "…and shall report to the Administrator the opacity results along with the results of the initial performance test…" No discussion in this section regarding signing/certifying the report. 40 CFR 60.11(e)(3) – "The owner or operator of an affect facility to which an opacity standard…applies may request the Administrator to determine and to record the opacity emissions…during the initial performance test…Any request to the Administrator to determine and record the opacity of emissions…shall be included in the notification required in §60.7(a)(6)." See 40 CFR 60.7(a)(6). 40 CFR 60.11(e)(4) – "…and shall furnish the Administrator a written report of the monitoring results along with the Method 9 and §60.8 performance test results." No discussion in this section regarding signing/certifying the report. 40 CFR 60.11(e)(5) – "An owner or operator of an affected facility subject to an opacity standard may submit…continuous opacity monitoring system data results…If an owner or operator elected to submit COMS data…he shall notify the Administrator of that decision…" No discussion in this section regarding signing/certifying the report or notification. 40 CFR 60.13(c)(1) – "The owner or operator of an affected facility using a COMS to determine opacity compliance…shall furnish the Administrator two or..more copies of a written report of the results of the COMS performance evaluation…" No discussion in this section regarding signing/certifying the report. 40 CFR 60.13(d)(2) – "Unless otherwise approved by the Administrator, the following procedures shall be followed for continuous monitoring systems measuring opacity of emissions." No discussion in this section regarding signing/certifying the request. 40 CFR 60.13(g) – "…unless the installation of fewer systems is approved by the		

Regulation Name	Subpart	Signature/Certification Requirement	Authority	Signature
		Administrator." No discussion in this section regarding signing/certifying the request. 40 CFR 60.13(i) – "After receipt and consideration of written application, the Administrator may approve alternatives to any monitoring procedures or requirements…" No discussion in this section regarding signing/certifying the application. 40 CFR 60.13(j) – "An alternative to the relative accuracy test…may be requested…" No discussion in this section regarding signing/certifying the request. 40 CFR 60.15 – "If an owner or operator of an existing facility proposes to replace components, and the fixed capital cost of the new components…he shall notify the Administrator of the proposed replacements." No discussion in this section regarding signing/certifying the notification. 40 CFR 60.19(f)(1)(i) – "Until an adjustment of a time period or postmark deadline has been approved by the Administrator…" No discussion in this section regarding signing/certifying the request.		
Fossil-Fuel Fired Steam Generators Constructed After August 17, 1971	D	40 CFR 60.45(g) – "Excess emission and monitoring system performance reports shall be submitted to the Administrator for every calendar year. All quarterly reports shall be postmarked by the 30th day following the end of each calendar quarter. Each excess emission and MSP report shall include the information required in §60.7(c)." No discussion in this section regarding signing/certifying the report. See also General Provisions (subpart A) for more information on §60.7(c).		
Industrial-Commercial-Institutional Steam Generating Units	Db	40 CFR 60.49b(a) – "The owner or operator…shall submit notification of the date of initial startup, as provided by §60.7. This notification shall include:…" No discussion in this section regarding signing/certifying the report. See also General Provisions (subpart A) for more information on §60.7. 40 CFR 60.49b(b) – "The owner or operator…subject to the sulfur dioxide, particulate matter, and/or nitrogen oxides emission units…shall submit to the Administrator the performance test data from the initial performance test and the performance evaluation of the CEMS…The owner or operator…shall submit to the Administrator the maximum heat input capacity data…" No discussion in this section regarding signing/certifying the report. 40 CFR 60.49b(c) – "The owner or operator…subject to the nitrogen oxides standard of §60.44b who seeks to demonstrate compliance with those standards through the monitoring of steam generating unit operating conditions…shall submit to the Administrator for approval a plan that identifies the operating conditions to be monitored…This plan shall be submitted to the Administrator for approval within 360 days of the initial startup of the affected facility.		

Regulation Name	Subpart	Signature/Certification Requirement	Authority	Signature
		The plan shall…" No discussion in this section regarding signing/certifying the plan. 40 CFR 60.49b(h) – "The owner or operator of any affected facility in any category listed in paragraphs (h)(1) or (2) of this section is required to submit excess emission reports for any calendar quarter during which there are excess emissions from the affected facility. If there are no excess emissions during the calendar quarter, the owner or operator shall submit a report semiannually stating that no excess emissions occurred during the semiannual reporting period." No discussion in this section regarding signing/certifying the report. 40 CFR 60.49b(i) – "The owner or operator…subject to the continuous monitoring requirements for nitrogen oxides…shall submit a quarterly report containing the information recorded under paragraph (g) of this section. All quarterly reports shall be postmarked by the 30th day following the end of each calendar quarter." No discussion in this section regarding signing/certifying the report. 40 CFR 60.49b(j) – "The owner or operator…subject to the sulfur dioxide standards…shall submit written reports to the Administrator every calendar quarter. All quarterly reports shall be postmarked by the 30th day following the end of each calendar quarter." No discussion in this section regarding signing/certifying the report. 40 CFR 60.49b(k) – "For each affected facility subject to the compliance and performance testing requirements of §60.45b and the reporting requirements in paragraph (j) of this section, the following information shall be reported to the Administrator:…" No discussion in this section regarding signing/certifying the report. 40 CFR 60.49b(l) – "For each affected facility subject to the compliance and performance testing requirements of §60.45b(d) and the reporting requirements of paragraph (j) of this section, the following information shall be reported to the Administrator:…" No discussion in this section regarding signing/certifying the report. 40 CFR 60.49b(m) – "For each affected facility subject to the sulfur dioxide standards …for which the minimum amount of data required under §60.47b(f) were not obtained during a calendar quarter, the following information is reported to the Administrator…" No discussion in this section regarding signing/certifying the report. 40 CFR 60.49b(n) – "If the percent removal efficiency by fuel pretreatment…,is used to determine the overall percent reduction…, the owner or operator of the affected facility shall submit a signed statement with the quarterly report:…" No discussion on who shall sign the statement.		

Regulation Name	Subpart	Signature/Certification Requirement	Authority	Signature
		40 CFR 60.49b(q) – "The owner or operator of an affected facility described in §60.44b(j) or §60.44b(k) shall submit to the Administrator on a quarterly basis…" No discussion in this section regarding signing/certifying the report. 40 CFR 60.49b(r) – "…Quarterly reports shall be submitted to the Administrator certifying that only very low sulfur oil…was combusted in the affected facility during the preceding quarter." No discussion in this section regarding signing/certifying the report.		
Small Industrial-Commercial-Institutional Steam Generating Units	Dc	40 CFR 60.48c(a) – "The owner or operator…shall submit notification of the date of construction or reconstruction, anticipated startup, and actual startup, as provided by §60.7 of this part. This notification shall include:…" No discussion in this section regarding signing/certifying the report. See also General Provisions (subpart A) 40 CFR 60.7. 40 CFR 60.48c(b) – "The owner or operator of each affected facility subject to the SO2 emission limits…or the PM or opacity limits…, shall submit to the Administrator the performance test data from the initial and any subsequent performance tests and , if applicable, the performance evaluation of the CEMS…" No discussion in this section regarding signing/certifying the report. 40 CFR 60.48c(c) – "The owner or operator of each coal-fired, residual oil-fired, or wood-fired affected facility subject to the opacity limits…shall submit excess emission reports for any calendar quarter for which there are excess emissions from the affected facility. If there are no excess emissions during the calendar quarter, the owner or operator shall submit a report semiannually stating that no excess emissions occurred during the semiannual reporting period." No discussion in this section regarding signing/certifying the report. 40 CFR 60.48c(d) – "The owner or operator of each affected facility subject to the SO2 emission limits, fuel oil sulfur limits, or percent reduction requirements…shall submit quarterly reports to the Administrator" No discussion in this section regarding signing/certifying the report. 40 CFR 60.48c(e) – "The owner or operator of each affected facility subject to the SO2 emission limits, fuel oil sulfur limits, or percent reduction requirements…shall keep records and submit quarterly reports as required under paragraph (d) of this section…" No discussion in this section regarding signing/certifying the report.		
Petroleum Refineries	J	40 CFR 60.107(a) – "Each owner or operator subject to §60.104(b) shall notify the Administrator of the specific provisions of §60.104(b) with which the owner or operator seeks to comply. Notification shall be submitted with the notification of initial startup required by §60.7(a)(3).' [See General Provisions (subpart A) for information on §60.7(a)(3).] "If an		

Regulation Name	Subpart	Signature/Certification Requirement	Authority	Signature
		owner or operator elects at a later date to comply with an alternative provisions of §60.104(b), then the Administrator shall be notified by the owner or operator in the quarterly (or semiannual) report described in paragraphs (c) and (d) of this section for the quarter during which the change occurred." [See 40 CFR 60.107(c) and (d).] 40 CFR 60.107(c) – "Each owner or operator subject to §60.104(b) shall submit a report each quarter …The following information shall be contained in each quarterly report:…" No discussion in this section regarding signing/certifying the report. See 40 CFR 60.107(f). 40 CFR 60.107(d) – "If no exceedances…and if the owner or operator has not changed the standard under §60.104(b) under which compliance is obtained, then the owner or operator may submit a semiannual report…" No discussion in this section regarding signing/certifying the report. See 40 CFR 60.107(f). 40 CFR 60.107(e) – "For any periods for which sulfur dioxide or oxides emissions data are not available, the owner or operator of the affected facility shall submit a signed statement…" No discussion in this section regarding who must sign the statement. See 40 CFR 60.107(f). 40 CFR 60.107(f) – "The owner or operator…shall submit a signed statement certifying the accuracy and completeness of the information contained in the report." Not clear to which report this provisions refers. All reports in NSPS subpart J or the report in 40 CFR 60.107(e)? 40 CFR 60.108(e) – "…The owner or operator shall furnish the Administrator a written notification of the change in a quarterly report that must be submitted for the quarter in which the change occurred." No discussion in this section regarding who must sign the notification.		
Storage Vessels for Petroleum Liquids Constructed, Reconstructed, or Modified between June 11, 1973 and May 19, 1978	K	No notification/reporting provisions in this subpart. See General Provisions (NSPS subpart A) for general notification/reporting requirements.		
Storage Vessels for Petroleum Liquids Constructed, Reconstructed, or Modified between May 18, 1978 and July 23, 1984	Ka	40 CFR 60.113a(a)(1)(I)(E) – "If the seal gap calculated…or the measured maximum seal gap exceeds the limitations specified…, a report shall be furnished to the Administrator…" No discussion in this section regarding signing/certifying the report. 40 CFR 60.113a(a)(1)(iv) – "Provide the Administrator 30 days prior notice of the gap measurement…" No discussion in this section regarding signing/certifying the notification.		

Regulation Name	Subpart	Signature/Certification Requirement	Authority	Signature
		40 CFR 60.113a(a)(2) – "The owner or operator of each storage vessel to which this subpart applies which has a vapor recovery and return or disposal system shall provide the following information to the Administrator…" No discussion in this section regarding signing/certifying the information. 40 CFR 60.114a(c) – "Any person seeking permissions under this section [alternative compliance method] shall submit to the Administrator a written application including…" No discussion in this section regarding signing/certifying the application.		
Storage Vessels for Petroleum Liquids Constructed, Reconstructed, or Modified after July 23, 1984	Kb	40 CFR 60.113b(a)(5) – "Notify the Administrator in writing at least 30 days prior to filling or refilling of each storage vessel for which an inspection is required…." No discussion in this section regarding signing/certifying the notification. 40 CFR 60.113b(b)(5) – "Notify the Administrator 30 days in advance of any gap measurements…" No discussion in this section regarding signing/certifying the notification. 40 CFR 60.113b(b)(6)(ii) – "For all inspections required by paragraph (b)(6) of this section, the owner or operator shall notify the Administrator in writing at least 30 days prior to filling…" No discussion in this section regarding signing/certifying the notification. 40 CFR 60.113b(c)(1) – "Submit for approval by the Administrator as an attachment to the notification required by §60.7(a)(1) or…§60.7(a)(2), an operating plan containing the information listed below." No discussion in this section regarding signing/certifying the request for approval. 40 CFR 60.114b(c) – "Any person seeking permissions under this section [alternative compliance method] shall submit to the Administrator a written application including…" No discussion in this section regarding signing/certifying the application. 40 CFR 60.115b(a)(1) – "Furnish the Administrator with a report that describes the control equipment and certifies that the control equipment meets the specifications…This reports shall be an attachment to the notification required by §60.7(a)(3)." See General Provisions (NSPS subpart A) §60.7(a)(3). 40 CFR 60.115b(a)(3) – "If any of the conditions described in §60.113b(a)(2) are detected during the annual visual inspection…, a report shall be furnished to the Administrator…" No discussion in this section regarding signing/certifying the report. 40 CFR 60.115b(a)(4) – "After each inspection required by §60.113b(a)(3) that finds holes or tears…, a report shall be furnished to the Administrator…" No discussion in this section		

Regulation Name	Subpart	Signature/Certification Requirement	Authority	Signature
		regarding signing/certifying the report. 40 CFR 60.115b(b)(1) – "Furnish the Administrator with a report that describes the control equipment and certifies that the control equipment meets the specifications…The report shall be an attachment to the notification required by §60.7(a)(3)." See General Provisions (NSPS subpart A) §60.7(a)(3). 40 CFR 60.115b(b)(2) – "Within 60 days of performing the seal gap measurements…furnish the Administrator with a report that contains:…" No discussion in this section regarding signing/certifying the report. 40 CFR 60.115b(b)(4) – "After each seal gap measurement that detects gaps exceeding the limitations specified, submit a report to the Administrator…" No discussion in this section regarding signing/certifying the report. 40 CFR 60.115b(d)(1) – "A report containing the measurements…shall be furnished to the Administrator as required by §60.8 of the General Provisions." See General Provisions (NSPS subpart A) §60.8. 40 CFR 60.115b(d)(3) – "Semiannual reports of all periods recorded…in which the pilot flame was absent shall be furnished to the Administrator." No discussion in this section regarding signing/certifying the report.		
Stationary Gas Turbines	GG	40 CFR 60.334(a) – "The owner or operator of any stationary gas turbine subject to the provisions of this subpart and using water injection to control NOx emissions shall install and operate a continuous monitoring system…This system shall be accurate to within $\pm$ 5.0 percent and shall be approved by the Administrator." No discussion in this section regarding how to submit the request for approval (i.e., signing/certifying). 40 CFR 60.334(c) – "For purposes of reports required under §60.7(c), periods of excess emissions that shall be reported are defined as follows:…" No discussion in this section regarding signing/certifying the report. See also General Provisions (subpart A) for more information on §60.7(c). 40 CFR 60.335(a) – "To compute the nitrogen oxides emissions, the owner or operator shall use analytical methods and procedures that are accurate to within 5 percent and are approved by the Administrator…" No discussion in this section regarding how to submit the request for approval (i.e., signing/certifying). 40 CFR 60.335(d) – "Dilution of samples before analysis….may be used, subject to the		

Regulation Name	Subpart	Signature/Certification Requirement	Authority	Signature
		approval of the Administrator…" No discussion in this section regarding how to submit the request for approval (i.e., signing/certifying).		
Asphalt Processing and Asphalt Roofing Manufacture	UU	Do not believe this regulation is applicable to any member company facility. However, if it is applicable, the notification and reporting requirements (and specifying who must sign) is similar to the other NSPSs.		
Equipment Leaks of VOC for SOCMI	VV	60.482-1(c)(1) – "An owner or operator may request a determination of equivalence of a means of emission limitation…" No discussion in this section regarding signing/certifying the request. 60.483-1(b)(1) – "An owner or operator must notify the Administrator that the owner or operator has elected to comply with the allowable percentage of valves leaking…" No discussion in this section regarding signing/certifying the notification. 60.483-2(a)(2) – "An owner or operator must notify the Administrator before implementing one of the alternatives work practices…" No discussion in this section regarding signing/certifying the notification. 60.484(a) – "Each owner or operator subject to the provisions of this subpart may apply to the Administrator for determination of equivalence for any means of emissions limitation…" No discussion in this section regarding signing/certifying the application. 60.484(c)(4) – "Each owner or operator applying for a determination of equivalence shall commit in writing to work practice(s) that provide for emission reductions equal to or greater than the emission reductions achieved by the required work practice." No discussion in this section regarding who must sign. 60.487(a) – "Each owner or operator subject to the provisions of this subpart shall submit semiannual reports to the Administrator beginning six months after the initial startup date." No discussion in this section regarding signing/certifying the report. 60.487(d) – "An owner or operator electing to comply with the provisions of §§60.483-1 and 60.483-2 shall notify the Administrator of the alternative standard…." No discussion in this section regarding signing/certifying the notification. 60.487(e) – "An owner or operator shall report the results of all performance tests in accordance with §60.8 of the General Provisions." See General Provisions (NSPS subpart A) §60.8.		
Bulk Gasoline Terminals	XX	60.502(e)(6) – "Alternative procedures to those described in paragraphs (e)(1) through (5) of this section for limiting gasoline tank truck loadings may be used upon application to, and		

Regulation Name	Subpart	Signature/Certification Requirement	Authority	Signature
		approval by, the Administrator." No discussion in this section regarding signing/certifying the application. 60.505 Reporting and recordkeeping – Requirements apply to recordkeeping. No requirements for reporting.		
Equipment Leaks of VOC for Petroleum Refineries	GGG	60.592(c) – "An owner or operator may apply to the Administrator for a determination of equivalency for any means of emission limitation that achieves a reduction in emissions of VOC at least equivalent to the reduction in emissions of VOC achieved by the controls required in this subpart." No discussion in this section regarding signing/certifying the application. 60.592(e) – "Each owner or operator subject to the provisions of this subpart shall comply with the provisions of §§60.486 and 60.487 [reporting]." See Equipment Leaks of VOC for SOCMI (NSPS subpart VV).		
VOC Emissions from SOCMI Air Oxidation Unit Processes	III	Do not believe this regulation is applicable to any member company facility. (NRC and DCR have SOCMI units but do not believe this rule applies.) However, if it is applicable, the notification and reporting requirements (and specifying who must sign) is similar to the other NSPSs.		
VOC Emissions from SOCMI Distillation Operations	NNN	Do not believe this regulation is applicable to any member company facility. (NRC and DCR have SOCMI units but do not believe this rule applies.) However, if it is applicable, the notification and reporting requirements (and specifying who must sign) is similar to the other NSPSs.		
VOC Emissions from Petroleum Refinery Wastewater Systems	QQQ	40 CFR 60.696-1(c) – "An owner or operator must notify the Administrator in the report required in 40 CFR 60.7 that the owner or operator has elected to construct and operate a completely closed drain system." See General Provisions (NSPS subpart A) §60.7. 40 CFR 60.693-2(b) – "The owner or operator must notify the Administrator in the report required by 40 CFR 60.7 that the owner or operator has elected to construct and operate a floating roof…" See General Provisions (NSPS subpart A) §60.7. 40 CFR 60.694(c) – "Any person seeking permission under this section shall collect., verify, and submit to the Administrator information showing that the alternative means achieves equivalent emissions reductions." No discussion in this section regarding signing/certifying the request. 40 CFR 60.695(b) – "Where a VOC recovery device other than a carbon absorber is used…, the owner or operator shall provide to the Administrator information describing the operation of the control device…" No discussion in this section regarding signing/certifying the submittal.		

Regulation Name	Subpart	Signature/Certification Requirement	Authority	Signature
		40 CFR 60.698(a) – "An owner or operator electing to comply with the provisions of §60.693 shall notify the Administrator of the alternative standard selected in the reported required in §60.7" No discussion in this section regarding signing/certifying the notification. 40 CFR 60.698(b)(1) – "Each owner or operator of a facility subject to this subpart shall submit to the Administrator within 60 days after initial startup a certification that the equipment necessary to comply with these standards has been installed…Thereafter, the owner or operator shall submit to the Administrator semiannually a certification that all of the required inspections have been carried out in accordance with these standards." No discussion in this section regarding who shall sign the certification. 40 CFR 60.698(b)(2) – "Each owner or operator of an affected facility that uses a flare shall submit to the Administrator within 60 days after initial startup, as required under §60.8(a), a report of the results of the performance test required in §60.696(c)." No discussion in this section regarding signing/certifying the report. 40 CFR 60.698(c) – "A report that summarizes all inspections…shall be submitted initially and semiannually thereafter to the Administrator." No discussion in this section regarding signing/certifying the report. 40 CFR 60.698(d) – "As applicable, a report shall be submitted semiannually to the Administrator that indicated:…." No discussion in this section regarding signing/certifying the report. 40 CFR 60.698(e) – "If compliance with the provisions of this subpart is delayed pursuant to §60.692-7, the notificatio9n required under 40 CFR 60.7(a)(4) shall include the estimated date of the next scheduled refinery or process unit shutdown…" No discussion in this section regarding signing/certifying the report.		
VOC Emissions from SOCMI Reactor Processes	RRR	Do not believe this regulation is applicable to any member company facility. (NRC and DCR have SOCMI units but do not believe this rule applies.) However, if it is applicable, the notification and reporting requirements (and specifying who must sign) is similar to the other NSPSs.		
VOC Emissions from SOCMI Wastewater	YYY	Do not believe this regulation is applicable to any member company facility. (NRC and DCR have SOCMI units but do not believe this rule applies.) However, if it is applicable, the notification and reporting requirements (and specifying who must sign) is similar to the other NSPSs.		
NESHAP (40 CFR part 61)				

Regulation Name	Subpart	Signature/Certification Requirement	Authority	Signature
General Provisions	A	40 CFR 61.05(a) – "…no owner or operator shall construct or modify any stationary source subject to that standard without first obtaining written approval from the Administrator…" No discussion in this section regarding signing/certifying the request. 40 CFR 61.05(c) – "…no owner or operator shall operate any existing source subject to that standard in violation of the standard, except under a waiver granted by the Administrator…" Part 61, Appendix A, Section II.A. discusses waiver requests and refers to the form in Section I that requires "signature of owner, operator, or other responsible official". 40 CFR 61.06(a) – "An owner or operator may submit to the Administrator a written application for a determination of whether actions intended to be taken by the owner or operator constitute construction…" No discussion in this section regarding signing/certifying the application. 40 CFR 61.07(a) – "The owner or operator shall submit to the Administrator an application for approval of the construction of any new source or modification of an existing source." No discussion in this section regarding signing/certifying the application. 40 CFR 61.09(a) – "The owner or operator….shall furnish the Administrator with written notification as follows: (1) A notification of the anticipated date of initial startup… (2) A notification of the actual date of initial startup…" No discussion in this section regarding signing/certifying the notification. 40 CFR 61.10(a) – "The owner or operator…shall provide the following information in writing to the Administrator…[name, address, location, HAPs, description of equipment, etc.]" No discussion in this section regarding signing/certifying the submittal. 40 CFR 60.10(b) – "The owner or operator of an existing source unable to comply with an applicable standard may request a waiver of compliance…" Part 61, Appendix A, Section II.A. discusses waivers requests and refers to the form in Section I that requires "signature of owner, operator, or other responsible official". 40 CFR 60.10(c) – "Any change in the information provided under paragraph (a) of this section of §61.07(b) shall be provided to the Administrator…" No discussion in this section regarding signing/certifying the submittal. 40 CFR 60.10(g) – "…such time periods or deadlines may be changed by mutual agreement between the owner or operator and the Administrator." No discussion in this section regarding		

Regulation Name	Subpart	Signature/Certification Requirement	Authority	Signature
		signing/certifying the request. 40 CFR 61.12(d)(3) – "Any person seeking permission under this subsection [alternative means of emission limitation] shall, …submit a proposed test plan or the results of testing and monitoring…" No discussion in this section regarding signing/certifying the request. 40 CFR 61.13(c) – "The owner or operator shall notify the Administrator of the emission test at least 30 days before the emission test…" No discussion in this section regarding signing/certifying the notification. 40 CFR 61.13(f) – "…The owner or operator shall report the determinations of the emission test to the Administrator by a registered letter…" No discussion in this section regarding signing/certifying the report. 40 CFR 61.13(h)(3) – 'The owner or operator may request approval for use of an alternative method [emission test]…" No discussion in this section regarding signing/certifying the request. 40 CFR 61.13(i)(1) – "Emission tests may be waived upon written application to the Administrator…" Part 61, Appendix A, Section II.B. discusses waiver of emission tests requests and refers to the form in Section I that requires "signature of owner, operator, or other responsible official". 40 CFR 61.14(c) – "…and furnish the Administrator with a copy of the written report of the [performance evaluation] results…The owner or operator shall furnish the Administrator with written notification of the date of the performance evaluation…" No discussion in this section regarding signing/certifying the report and notification. 40 CFR 61.14(d) – "…the owner or operator shall install a monitoring system at each emission point unless the installation of fewer systems is approved by the Administrator." No discussion in this section regarding signing/certifying the request. 40 CFR 61.14(g)(1) – "Monitoring shall be conducted…unless the Administrator – (i) Specifies or approves the use of the specified monitoring requirements and procedures with minor changes… (ii) Approves the use of alternatives to any monitoring requirements or procedures…" No discussion in this section regarding signing/certifying the request.		
Equipment Leaks of Benzene	J	40 CFR 61.110(c)(1) – "If an owner or operator applies for one of the exemptions in this paragraph…" No discussion in this section regarding signing/certifying the application.		

Regulation Name	Subpart	Signature/Certification Requirement	Authority	Signature
		40 CFR 61.112(c) – "An owner or operator may apply to the Administrator for a determination of an alternative means of emission limitation…" No discussion in this section regarding signing/certifying the application.		
Asbestos	M	40 CFR 61.142 Standard for asbestos mills – Does not apply. 40 CFR 61.143 Standard for roadways – Does not apply. 40 CFR 61.144 Standard for manufacturing – Does not apply. 40 CFR 61.145 [Standard for demolition and renovation] (b) Notification requirements. Each owner or operator of a demolition or renovation activity…shall: (1)Provide the Administrator with written notice of intention to demolish or renovate…" Figure 3 Notification of Demolition and Renovation includes a certification statement (I certify that the above information is correct) requiring the signature of the owner/operator. 40 CFR 61.145(b)(2) "Update notice, as necessary… (3)(iv)(A)(*2*) Provide the Administrator with a written notice of the new start date… (3)(iv)(B)(*1*) Provide the Administrator with a written notice of the new start date… (3)(iv)(B)(*2*) …provide the Administrator written notice of a new start date…" No discussion in this section regarding signing/certifying the notification. 40 CFR 61.145(c)(3)(i)(A) – "The owner or operator has obtained prior written approval from the Administrator based on a written application that wetting to comply with this paragraph…" No discussion in this section regarding signing/certifying the application. 40 CFR 61.145(c)(3)(ii) – "…another method [other than wetting] may be used after obtaining written approval from the Administrator…" No discussion in this section regarding signing/certifying the request. 40 CFR 61.146 Standard for spraying – Does not apply. 40 CFR 61.147 Standard for fabricating – Does not apply. 40 CFR 61.148 Standard for insulating materials – Does not apply. 40 CFR 61.149 Standard for waste disposal for asbestos mills – Does not apply. 40 CFR 61.150 [Standard fore waste disposal for manufacturing, fabricating, demolition, renovation, and spraying operations] (c)(4) – "Report in writing to the local, State, or EPA Regional office…if a copy of the waste shipment record…is not received…within 45 days…" No discussion in this section regarding signing/certifying the report. 40 CFR 61.151 Standard for inactive waste disposal sites for asbestos mills and manufacturing		

Regulation Name	Subpart	Signature/Certification Requirement	Authority	Signature
		and fabricating operations – Does not apply. 40 CFR 61.152(b)(3) – "The Administrator may authorize the use of filtering equipment other than described in paragraphs (a)(1) and (b)(1) and (2) of this section if the owner or operator demonstrates…" No discussion in this section regarding signing/certifying the request. 40 CFR 61.153(a)(4) – "For sources subject to §§61.149 and 61.150 [furnish to the Administrator a brief description of amount of asbestos waste and emission control methods]…" No discussion in this section regarding signing/certifying the report. 40 CFR 61.154 Standard for active waste disposal sites – Does not apply. 40 CFR 61.155 Standard for operations that convert asbestos-containing waste material into nonasbestos (asbestos free) material – Does not apply.		
Equipment Leaks	V	40 CFR 61.242-1(c)(1) – "An owner or operator may request a determination of alternative means of emission limitation…as provided in §61.244." See 40 CFR 61.244. 40 CFR 61.243-1(b)(1) – "The owner or operator must notify the Administrator that the owner or operator has elected to have all valves within a process unit to comply with the allowable percentage of valves leaking…" No discussion in this section regarding signing/certifying the notification. 40 CFR 61.243-1(e) – "If an owner or operator decides no longer to comply with §61.243-1, the owner or operator must notify the Administrator in writing…" No discussion in this section regarding signing/certifying the notification. 40 CFR 61.243-2(a)(2) – ' The owner or operator must notify the Administrator before implementing one of the alternative work practices…" No discussion in this section regarding signing/certifying the notification. 40 CFR 61.244(a) – "Permission to use an alternative means of emission limitation…(b)(4) Each Owner or operator applying for permission shall commit in writing each source each source to work practices that provide emissions reductions equal to or greater than the emission reductions achieved by the required work practices." No discussion in this section regarding signing/certifying the request 40 CFR 61.247(a)(1) – "An owner or operator of any piece of equipment to which this subpart applies shall submit a statement in writing notifying the Administrator that the requirements…are being implemented." No discussion in this section regarding signing/certifying the notification.		

Regulation Name	Subpart	Signature/Certification Requirement	Authority	Signature
		40 CFR 61.247(b) – "A report shall be submitted to the Administrator semiannually [providing number of leaking components, etc]…" No discussion in this section regarding signing/certifying the report. 40 CFR 61.247(d) – "An owner or operator electing to comply with the provisions of §§61.243-1 and 61.243-2 shall notify the Administrator of the alternative standard selected…" No discussion in this section regarding signing/certifying the notification.		
Benzene Emissions from Benzene Storage Vessels	Y	40 CFR 61.271(d)(1) – "The owner or operator of each existing benzene storage shall meet the [emission standard] requirements…unless a waiver of compliance has been approved by the Administrator in accordance with §61.11." See General Provisions (NESHAP subpart A) §61.11. 40 CFR 61.272(a)(2) – "Visually inspect…If a failure that is detected during inspections required in this paragraph cannot be repaired within 45 days…an extension of up to 30 additional days may be requested from the Administrator in the inspection report required in §61.275(a)." See 40 CFR 61.275(a). 40 CFR 61.272(a)(3)(i) – "…the owner or operator shall notify the Administrator in writing at least 30 days prior to the refilling of each storage vessel…" No discussion in this section regarding signing/certifying the notification. 40 CFR 61.272(b)(4)(iii) – "If a failure that is detected during inspections…cannot be repaired within 45 days…an extension of up to 30 additional days may be requested from the Administrator in the inspection report required in §61.275(d)." See 40 CFR 61.275(d). 40 CFR 61.272(b)(5) – "The owner or operator shall notify the Administrator 30 days in advance of any gap measurements…" No discussion in this section regarding signing/certifying the notification. 40 CFR 61.272(b)(6)(ii) – "…the owner or operator shall notify the Administrator in writing at least 30 days prior to filling or refilling of each storage vessel…" No discussion in this section regarding signing/certifying the notification. 40 CFR 61.272(c)(1) – "Within 90 days after initial fill…submit for approval by the Administrator, an operating plan containing [control device information]…" No discussion in this section regarding signing/certifying the submittal. 40 CFR 61.273(a) – "Upon written application from any person, the Administrator may		

Regulation Name	Subpart	Signature/Certification Requirement	Authority	Signature
		approve the use of alternative means of emission limitation…" No discussion in this section regarding signing/certifying the application. 40 CFR 61.274(a) – "The Owner or operator of each storage vessel …shall submit an initial report describing the controls…" No discussion in this section regarding signing/certifying the report. 40 CFR 61.274(b) – "The owner or operator of each storage vessel seeking to comply…with a flare, shall submit a report containing the measurements…" No discussion in this section regarding signing/certifying the report. 40 CFR 61.275(a) – "The Owner or operator of each storage vessel…shall submit a report describing the results of each [annual] inspection [of internal floating roofs]…" No discussion in this section regarding signing/certifying the report. 40 CFR 61.275(b) – "The owner or operator of each storage vessel …shall submit a report describing the results of each [5 and 10 year] inspection [of internal floating roofs]…" No discussion in this section regarding signing/certifying the report. 40 CFR 61.275(c) – "Any owner or operator of an existing storage vessel…shall notify the Administrator prior to completion of the installation of such controls and the date of refilling of the vessel…" No discussion in this section regarding signing/certifying the report. 40 CFR 61.275(d) – "The owner or operator of each storage vessel…shall submit a report describing the results of each seal gap measurement…" No discussion in this section regarding signing/certifying the report. 40 CFR 61.275(e) – "The owner or operator of each source [vessel equipped with closed vent systems with control devices]…shall submit a quarterly report informing the Administrator of each occurrence that results in excess emissions…" No discussion in this section regarding signing/certifying the report.		
Benzene Emissions from Benzene Transfer Operations	BB	40 CFR 61.303(e) – "The owner or operator of an affected facility who wishes to demonstrate compliance…using control devices [other then those specified] shall provide the Administrator with information describing the operation of the control device…" No discussion in this section regarding signing/certifying the submittal. 40 CFR 61.305(f) – "Each owner or operator of an affected facility…shall submit to the Administrator quarterly reports of [control device and car seal information]…" No discussion in this section regarding signing/certifying the report.		

Regulation Name	Subpart	Signature/Certification Requirement	Authority	Signature
Benzene Waste Operations	FF	40 CFR 61.342(b)(1) – "The owner or operator of an existing source unable to comply with the rule within the required time may request a waiver of compliance under §61.10." Part 61, Appendix A, Section II.A. discusses waiver requests and refers to the form in Section I that requires "signature of owner, operator, or other responsible official". 40 CFR 61.342(h) – "Permission to use an alternative means of compliance…may be granted by the Administrator as provided in §61.353 of this subpart." See 40 CFR 61.353. 40 CFR 61.349(a)(2)(iv)(D) – "The owner or operator shall submit the information and data specified in paragraphs (2)(2)(iv)(B) and (C) of this section to the Administrator prior to operation of the alternative control device." No discussion in this section regarding signing/certifying the submittal. 40 CFR 61.353(c) – "Any person seeking permission under this section shall collect, verify, and submit to the Administrator information showing that the alternative means achieves equivalent emissions reductions." No discussion in this section regarding signing/certifying the submittal. 40 CFR 61.356(f)(1) – "An owner or operator using a closed-vent system and control device…shall maintain the following records… (1) A statement signed and dated by the owner or operator certifying that the closed-vent system and control device are designed to operate art the documented performance level…" No discussion in this section regarding who must sign the statement.. 40 CFR 61.357(a) – "Each owner or operator…shall submit to the Administrator…a report that summarizes the regulatory status of each waste stream…" No discussion in this section regarding signing/certifying the report. 40 CFR 61.357(b) – "If the total annual benzene quantity from the facility is less than 1 Mg/yr, then the owner or operator shall submit to the Administrator a report that updates the information listed in paragraphs((a)(1) through (a)(3)…" No discussion in this section regarding signing/certifying the report. 40 CFR 61.357(c) – "If the total annual benzene quantity from the facility waste is less than 10 Mg/yr but is equal to or greater than 1 Mg/yr, then the owner or operator shall submit to the Administrator a report that updates the information listed in paragraphs (a)(1) through (a)(3)…" No discussion in this section regarding signing/certifying the report. 40 CFR 61.357(d) – "If the total annual benzene quantity from the facility waste is equal to or		

Regulation Name	Subpart	Signature/Certification Requirement	Authority	Signature
		greater than 10 Mg/yr, then the owner or operator shall submit to the Administrator the following reports [equipment installation certification, annual report]…" No discussion in this section regarding signing/certifying the report. 40 CFR 61.357(d)(6) – "…the owner or operator shall submit quarterly to the Administrator a certification that all of the required inspections have been carried out.." No discussion in this section regarding signing/certifying the report. 40 CFR 61.357(d)(7) – "…the owner or operator shall submit a report quarterly to the Administrator that includes:… [exception report]" No discussion in this section regarding signing/certifying the report. 40 CFR 61.357(d)(8) – "…the owner or operator shall submit annually to the Administrator a report that summarizes all inspections…" No discussion in this section regarding signing/certifying the report. 40 CFR 61.357(e) – "An owner or operator electing to comply with the [alternative standards for tanks or oil-water separator] shall notify the Administrator of the alternative standard selected in the report required under §61.07 or §61.10 of this part." See General Provisions (NESHAP subpart A) §61.07 and §61.10. 40 CFR 61.357(f) – "An owner or operator who elects to install and operate the control equipment in §61.351 of this subpart shall comply with the reporting requirements in 40 CFR 60.115b." See NSPS subpart Kb 40 CFR 60.115b. 40 CFR 61.357(g) – "An owner or operator who elects to install and operate the control equipment in §61.352 of this subpart shall submit initial and quarterly reports identifying all seal gap measurements…" No discussion in this section regarding signing/certifying the report.		
MACT (40 CFR part 63)				

Regulation Name	Subpart	Signature/Certification Requirement	Authority	Signature
General Provisions	A	40 CFR 63.2 – Definitions – *Responsible official* – means one of the following: (1) For a corporation: A president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporations, or a duly authorized representative of such a person if the representative is responsible for the overall operation of on or more manufacturing, production, or operating facilities and either: (i) The facilities employ more than 250 persons or have gross annual sales or expenditures exceeding 25 million (in second quarter 1980 dollars); or (ii) The delegation of authority to such representative is approved in advance by the Administrator. (2) For a partnership …… (3) For a municipality, ….(4) For affected sources (as defined in this part) applying for or subject to a title V permit: "responsible official" shall have the same meaning as defined in part 70 or Federal title V regulations in this chapter, whichever is applicable.		

Regulation Name	Subpart	Signature/Certification Requirement	Authority	Signature
General Provisions (Con't)	A	40 CFR 70.2 Definitions – *Responsible official* – means one of the following: (1) For a corporation: A president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporations, or a duly authorized representative of such a person if the representative is responsible for the overall operation of on or more manufacturing, production, or operating facilities and either: (i) The facilities employ more than 250 persons or have gross annual sales or expenditures exceeding 25 million (in second quarter 1980 dollars); or (ii) The delegation of authority to such representative is approved in advance by the Administrator. (2) For a partnership…(3) For a municipality, ….(4) For affected sources: (i) The designated representative in so far as actions, standards, requirements, or prohibitions under tile IV of the Act or the regulations promulgated thereunder are concerned; and (ii) The designated representative for any other purposes under Part 70. 40 CFR 70.2 Definitions – *Designated representative* – shall have the meaning given to it in section 402(26) of the Act and the regulation promulgated thereunder. CAA 402(26) The term "designated representative" means a responsible person or official authorized by the owner or operator of a unit to represent the owner or operator in matters pertaining to the holding, transfer, or disposition of allowances allocated to a unit, and submission of and compliance with permits, permit applications, and compliance plans for the unit. 40 CFR 63.5(d) *Application for approval of construction or reconstruction.* "The owner or operator…shall submit to the Administrator an application for approval……." No discussion in this section regarding signing/certifying the application. 40 CFR 63.6(i)(4)(i)-(ii) *Request of extension of compliance.*- "The owner or operator of an existing source who is unable to comply with a relevant standard established under this part ……may request that the Administrator…..grant an extension allowing the source up to 1 additional year to comply with the standard…The owner or operator…who has requested an extension of compliance under this paragraph and who is otherwise required to obtain a title V permit shall apply for such permit or apply to have the sources's title V permit revised to incorporate the conditions of the extension of compliance……." See 40 CFR 63.9(c) No discussion in this section regarding signing/certifying the application. 40 CFR 63.6(i)(5) "The owner or operator…that has installed BACT or technology required to meet LAER prior to the promulgation…may request that the Administrator grant an extension…" No discussion in this section regarding signing the request.		

Regulation Name	Subpart	Signature/Certification Requirement	Authority	Signature
General Provisions (Con't)	A	40 CFR 63.7(b)(1) – *Notification of performance test.* "The owner or operator…shall notify the Administrator in writing of his or her intention to conduct a performance test……." Also see §63.9(e). No discussion in this section regarding signing/certifying the report. 40 CFR 63.7(b)(2) "In the event the owner or operator is unable to conduct the performance test on the date specified in the notification requirement……" No discussion in this section regarding signing the notification. 40 CFR 63.7(c)(2)(I)-(v) "Before conducting a required performance test the owner or operator…shall develop and if requested by the administrator, shall submit a site specific test plan to the Administrator…The owner or operator…shall submit the site-specific test plan… simultaneously with the notification of intention to conduct a performance test required under paragraph (b) of this section, "No discussion in this section regarding signing the report. 40 CFR 63.7(f)(1)-(2) *Use of an alternative test method*. "….The owner or operator…required to do performance testing…may use an alternative test…provided the owner or operator – Notifies the Administrator of his or her intention to use an alternative test method not later than with the submittal of the site-specific test plan…Submits the results of the Method 301 validation process along with the notification of intention and the justification ….." No discussion in this section regarding signing/certifying the report. 40 CFR 63.7(h)(3)(i)-(iii) – *Request to waive a performance test.* "If a request is made for an extension of compliance under §63.6(i), the application for a waiver of an initial performance test shall accompany the information required for the request for an extension of compliance. If no extension of compliance is requested or if the owner or operator has requested and extension of compliance and the Administrator is still considering that request, the application for a waiver of an initial performance test shall be submitted…" No discussion in this section regarding signing/certifying the report. 40 CFR 63.9(b)(2) – *Initial Notification*. "The owner or operator of an affected source that has an initial startup before the effective date of a relevant standard under this part shall notify the Administrator in writing that the source is subject to the relevant standard…." No discussion in this section regarding signing/certifying the report. 40 CFR 63.9(b)(3) "The owner or operator of a new or reconstructed affected source…that has an initial startup after the effective date of a relevant standard under this part and for which an application for approval of construction or reconstruction is not required under §63.5(d), shall notify the Administrator in writing that the source is subject to the relevant standard ……" No discussion in this section regarding signing/certifying the report.		

Regulation Name	Subpart	Signature/Certification Requirement	Authority	Signature
General Provisions (Con't)	A	40 CFR 63.9(b)(4) "The owner or operator of a new or reconstructed major affected source that has an initial startup after the effective date of a relevant standard under this part and for which a application of approval of construction or reconstruction is required under §63.5(d) shall provide the following information in writing to the Administrator: ….." No discussion in this section regarding signing/certifying the report. 40 CFR 63.9(c) "If the owner or operator of an affected source cannot comply with the compliance date for that source, or if the owner or operator has installed BACT or technology to meet LAER consistent with §63.6(i)(5) of this subpart, he/she may submit to the Administrator (or the State….) a request for an extension of compliance as specified in §63.6(i)(4) through §63.6(i)(6)." No discussion in this section regarding signing the request. 40 CFR 63.9(d) "An owner or operator…subject to special compliance requirements as specified in §63.6(b)(3) through §63.6(b)(4) shall notify the Administrator of his/her compliance obligations…." No discussion in this section regarding signing the notification. 40 CFR 63.9(f) "The owner or operator…shall notify the Administrator in writing of an anticipated date for conducting the opacity or visible emission observation…the owner or operator shall deliver or postmark the notification not less than 30 days before the opacity of visible emission observation are scheduled to take place." No discussion in this section regarding signing the notification. 40 CFR 63.9(g) "The owner or operator…to use a CMS by a relevant standard shall furnish the Administrator written notification as follows: 1…date the CMS performance evaluation …is scheduled…2…that COMS data results will be used ….3…the criterion necessary to continue use of an alternative to relative accuracy testing…" No discussion in this section regarding signing/certifying the report. 40 CFR 63.9(h)(2)(i) "Before a title V permit has been issued to the owner or operator… and each time a *notification of compliance status* is required under this part, the owner or operator …shall submit to the Administrator a notification of compliance status, signed by the responsible official who shall certify its accuracy, attesting to whether the source has complied with the relevant standard"		

Regulation Name	Subpart	Signature/Certification Requirement	Authority	Signature
General Provisions (Con't)	A	40 CFR 63.9(h)(3) "After a title V permit has been issued to the owner or operator… the owner or operator…shall comply with all the requirements for compliance status reports contained in the source's title V permit, including reports required under this part. After a title V permit has been issued to the owner or operator… and each time a notification of compliance status is required under this part, the owner or operator…shall submit the notification of compliance status to the appropriate permitting authority following completion of the relevant compliance demonstration activity specified in the relevant standard." 40 CFR 63.9(h)(5) " If an owner or operator…submits estimates or preliminary information in the application for approval of construction or reconstruction required in §63.5(d) in place of the actual emissions data or control efficiencies required in ….the owner or operator shall submit the actual emissions data and other correct information as soon as available but no later than the initial notification of compliance status required in this section." No discussion in this section regarding signing/certifying the report. 40 CFR 63.9(i) *Adjustment to time periods or postmark deadlines for submittal and review of required communications* - §63.9(h)(1)(ii) "An owner or operator shall request the adjustment provided for in paragraphs (i)(2) and (i)(3) of this section each time he or she wishes to change a applicable time period or postmark of this part." No discussion in this section regarding signing/certifying the report. 40 CFR 63.9(j) "Any change in information already provided t the Administrator in writing within 15 calendar days after the change." No discussion in this section regarding signing/certifying the report. 40 CFR 63.10(d)(2) – Results of Performance tests – See §63.7 40 CFR 63.10(d)(3) – Results of opacity or visible emissions observations – See §63.7 40 CFR 63.10(d)(4) "The owner or operator …who is required to submit progress reports as a condition of receiving an extension of compliance under §63.6 shall submit such reports to the Administrator (or State with an approved permit program by the dates specified in the written extension of compliance." No discussion in this section regarding signing the report. 40 CFR 63.10(d)(5)(i) Periodic SSM Reports –" If actions taken by an owner or operator during a startup …….The startup, shutdown, or malfunction report shall consist of a letter, containing the name, title, and signature of the owner or operator or other responsible official who is certifying its accuracy, ……"		

Regulation Name	Subpart	Signature/Certification Requirement	Authority	Signature
General Provisions (Con't)	A	40 CFR 63.10(d)(5)(ii) Immediate SSM reports – "Notwithstanding the allowance to reduce the frequency of reporting for periodic startup, shutdown, and malfunction reports….or operator that contains the name, title, and signature of the owner of operator or other responsible official who is certifying its accuracy, ……" 40 CFR 63.10(e) Additional reporting requirements for sources with continuous monitoring systems – §63.10(e)(3)(v) – *Content and submittal dates for excess emissions and monitoring system performance reports.* "All excess emissions and monitoring system performance reports and all summary reports……and they shall contain the name, title, and signature of the responsible official who is certifying the accuracy of the report……..." 40 CFR 63.10(e)(3)(vi) – *Summary Report*. "As required under paragraphs……..(L) The name, title and signature of the responsible official who is certifying the accuracy of the report; and……."		
SOCMI HON (General)	F	40 CFR 63.100(b)(4) "The owner or operator of a chemical manufacturing processing unit is exempt …….if the owner or operator certifies, in a notification to the appropriate EPA Regional Office, ….." 40 CFR 63.103(g) "The owner or operator who elects to use the compliance extension provisions of §63.100(k)(6)(I) or (ii) shall submit a compliance extension request to the appropriated EPA Regional Office no later than 45 days before the applicable compliance date….." No discussion in this section regarding signing/certifying the report. 40 CFR 63.103(g) An owner or operator who elects to use the compliance extension provisions of §63.100(k)(8) shall submit to the appropriate EPA Regional Office a brief description of the process change,…….The description shall be submitted ….or with the Notice of Compliance Status as required in §63.182(c) of subpart H,…." No discussion in this section regarding signing/certifying the report. 40 CFR 63.104(f)(2) "If an owner or operator invokes the delay of repair provisions for a heat exchange system, the following information shall be submitted in the next semi-annual periodic report require by §63.152(c) of subpart G of this part….." See §63.152(c).		

Regulation Name	Subpart	Signature/Certification Requirement	Authority	Signature
SOCMI HON Process Vents, Storage Vessels, Transfer Operations, and Wastewater	G	40 CFR 63.118 "*Process Vents Provisions…* 40 CFR 63.118(f) "Each owner or operator who elects to comply with the requirements…shall submit to the Administrator Periodic Reports…" No discussion in this section regarding signing/certifying the report. 40 CRR 63.118(g) "When ever a process change….the owner or operator shall submit a report…" No discussion in this section regarding signing/certifying the report. 40 CRR 63.118(h) "When ever a process change….the owner or operator shall submit a report within…The report may be submitted as part of the next periodic report." No discussion in this section regarding signing/certifying the report. 40 CRR 63.118(i) "When ever a process change….the owner or operator shall submit a report within…The report may be submitted as part of the next periodic report." No discussion in this section regarding signing/certifying the report. 40 CRR 63.118(j) "When ever a process change….the owner or operator shall submit a report within…The report may be submitted as part of the next periodic report." No discussion in this section regarding signing/certifying the report. 40 CRR 63.118(k) "When ever a process change….the owner or operator shall submit a report within…The report may be submitted as part of the next periodic report." No discussion in this section regarding signing/certifying the report. 40 CFR 63.122 *Storage vessel provisions…* Per the below reports no discussion in this section regarding signing/certifying the report. 40 CFR 63.122(a)(1) "The owner or operator shall submit an Initial Notification as required by §63.152(b) of this subpart" 40 CFR 63.122(a)(3) "The owner or operator shall submit a Notification of Compliance Status as required by §63.152(b) of this subpart…" 40 CFR 63.122(a)(4) "The owner or operator shall submit a Periodic Report as required by §63.152(c) of this subpart…"		

Regulation Name	Subpart	Signature/Certification Requirement	Authority	Signature
SOCMI HON Process Vents, Storage Vessels, Transfer Operations, and Wastewater (Con't)	G	40 CFR 63.122(a)(5) "The owner or operator shall submit, as applicable, other reports as required by §63.152(d) of this subpart…" 40 CFR 122(h)(1) "In order to afford the Administrator, the owner or operator shall notify the Administrator of the filling…" 40 CFR 122(h)(2) "In order to afford the Administrator, the owner or operator shall notify the Administrator of any seal…" 40 CFR 63.129 "*Transfer operations provisions – reporting and recordkeeping for performance test and notification of compliance status."* Per the below reports no discussion in this section regarding signing/certifying the report. 40 CFR 63.129(a)(2) "Include the data….in the Notification of Compliance Status report as specified in §63.152(b) of this subpart." 40 CFR 63.129(a)(3) "…report the data….in next Periodic Report as specified in §63.152(c) of this subpart." 40 CFR 63.129(c) "For each parameter monitored,…the owner or operator shall establish a range, the information required…shall be submitted in the Notification of Compliance Status or operating permit application or amendment." 40 CFR 63.129(a)(2) "Include the data….in the Notification of Compliance Status report as specified in §63.152(b) of this subpart." 40 CFR 63.129(e) "Include the data….in the Notification of Compliance Status report as specified in §63.152(b) of this subpart…" 40 CFR 63.129(f) "Include the data….in the Notification of Compliance Status report as specified in §63.152(b) of this subpart…" 40 CFR 63.130 "*Transfer operations provisions – periodic recordkeeping and reporting.*" 40 CFR 63.130(d) "Each owner or operator of a transfer rack subject to the…shall submit to the Administrator Periodic Reports...according to the schedule in §63.152(c)" No discussion in this section regarding signing/certifying the report.		

Regulation Name	Subpart	Signature/Certification Requirement	Authority	Signature
SOCMI HON Process Vents, Storage Vessels, Transfer Operations, and Wastewater (Con't)	G	40 CFR 63.146 "*Process wastewater provisions – reporting*." ." Per the below reports no discussion in this section regarding signing/certifying the report. 40 CFR 63.146(a) "For each waste management unit,…the owner or operator shall submit a request for approval to monitor…according to the procedures specified in §63.151(f)." 40 CFR 63.146(b) " The owner of operator shall submit the information…in the Notification of Compliance Status required by §63.152(b) of this subpart." 40 CFR 63.151(a) "*Initial notification.* Each owner or operator of a source subject to this subpart shall submit the reports listed in …Owners or Operators requesting an extension of compliance shall also submit the report listed in(a)(6) of this section" 40 CFR 63.151(a)(1)-(6) "(1) An Initial Notification…(2) An Implementation Plan for new…(3) A Notification of Compliance Status…(4) Periodic Reports… (6)…an owner or operator may request an extension…" 40 CFR 63.151(b) "Each owner or operator of an existing… shall submit a written Initial Notification to the Administrator…The Initial Notification provisions in §63.9(b)(2)-(3) and (6) of subpart A shall not apply to owners or operators subject to subpart G…" No discussion in this section regarding signing/certifying the report. 40 CFR 63.151(c) "Each owner or operator of an existing source with emission points that will be included in an emissions averaging…must submit an Implementation Plan to the Administrator…unless an operating permit application accompanied by the information…has been submitted…" 40 CFR 63.151(f) "The owner or operator who has been directed by any section…shall submit the information…with the operating permit application or as otherwise specified by the permitting authority." No discussion in this section regarding signing/certifying the report. 40 CFR 63.151(g) "An owner or operator may request approval to use alternatives…(1) Request shall be included in the operating permit application or as otherwise specified by the permitting authority…(5) An owner or operator may request to use other alternative monitoring systems according to the procedures specified in §6..8(f) of subpart A of this part. " No discussion in this section regarding signing/certifying the report.		

Regulation Name	Subpart	Signature/Certification Requirement	Authority	Signature
SOCMI HON Process Vents, Storage Vessels, Transfer Operations, and Wastewater (Con't)	G	40 CFR 63.151(h) " The owner or operator required to prepare an Implementation Plan,…shall also submit a supplement for any additional…" No discussion in this section regarding signing/certifying the report. 40 CFR 63.151(i) "The owner or operator of a source required to submit an Implementation Plan …shall also submit written updates of the…unless the information has been included and submitted in an operating permit application or amendment." No discussion in this section regarding signing/certifying the report. 40 CFR 63.151(j) "The owner or operator of a source subject to this subpart,…shall report to the Administrator under the circumstances described in paragraphs…The update may be in the next Periodic Report if the change is made after the date the Notification of Compliance Status is due." No discussion in this section regarding signing/certifying the report. 40 CFR 63.152(b) "Each owner or operator of a source subject to this subpart shall submit a Notification of Compliance Status…" No discussion in this section regarding signing/certifying the report. 40 CFR 63.152(c) "The owner or operator of a source subject to this subpart shall submit Periodic Reports." No discussion in this section regarding signing/certifying the report. 40 CFR 63.152(c)(5) "40 CFR 63.152(c)(5) "The owner or operator of a source shall submit quarterly reports for all emission points include in an emissions average…(i)…The first report shall be submitted with the Notification of Compliance Status… (iv) Every forth quarterly report shall include…(B) A certification of compliance with all emissions averaging provision…" No discussion in this section regarding signing/certifying the report. 40 CFR 63.152(c)(6) "The owner or operator of a source shall submit reports quarterly for particular emission points not included in an emissions average…" No discussion in this section regarding signing/certifying the report. 40 CFR 63.152(d) "Other reports shall be submitted as specified in subpart A of this part or in §§6..113 through 63.151 of this subpart…" No discussion in this section regarding signing/certifying the report. 40 CFR 63.152(e) "An owner or operator subject to this subpart shall submit the information….with the operating permit application or a otherwise specified by the permitting authority…" No discussion in this section regarding signing/certifying the report.		

Regulation Name	Subpart	Signature/Certification Requirement	Authority	Signature
SOCMI HON Equipment Leaks	H	40 CFR 63.162(b)(1) – "An owner or operator may request a determination of alternative means of emission limitation…" No discussion in this section regarding signing/certifying the request. 40 CFR 63.182(a) – "Each owner or operator…shall submit the reports listed in paragraphs (a)(1) through (a)(5) of this section. Owners and operators requesting an extension of compliance shall also submit the report listed in paragraph (a)(6) of this section. (1) [Initial Notification – includes a statement of whether source can achieve compliance by compliance date] (2) [Notification of Compliance Status] (3) [Periodic Reports – includes number of fugitive emission components found leaking, number of leaking components not repaired as required] (4) Reserved. (5) Reserved. (6) …an owner or operator may request an extension allowing an existing source up to 1 additional year beyond the compliance date…" (i) …a request for an extension shall be submitted …as part of the operating permit application. If the State in which the source is located does not have an approved operating program, a request for an extension shall be submitted to the Administrator as a separate submittal." No discussion in this section regarding signing/certifying the notifications/reports/requests.		
Industrial Process Cooling Towers	Q	40 CFR 63.405(a) - *Initial Notification* – " In accordance with §63.9(b) of subpart A, owners or operators of all affected IPCT's …shall notify the Administrator in writing……" No discussion in this section regarding signing/certifying the report. 40 CFR 63.405(b) – *Notification of compliance status* – "In accordance with §63.9(h) of subpart A, owners or operators of a affected IPCT's shall submit to the Administrator a notification of compliance status within……..The notification of compliance status must: (i) Be signed by a responsible official who also certifies the accuracy of the report;…….(iv) Include the following statement: I certify that no chromium-based water treatment chemicals have been introduced since (the initial compliance date) into any IPCT located within the facility for any purpose."		
Gasoline Distribution Facilities	R	40 CFR 63.424(b)(3) "Provide for the Administrator's approval the rationale for the selected operating parameter value…" No discussion in this section regarding signing/certifying the report. 40 CFR 63.428(a) Initial notification per §63.9(b)(2).		

Regulation Name	Subpart	Signature/Certification Requirement	Authority	Signature
Gasoline Distribution Facilities (Con't)	R	40 CFR 63.428(c)(2) Notification of compliance status per §63.9(h). 40 CFR 63.428(d) Reports required under NSPS Subpart Kb, §60.115b. 40 CRF 63.428(f) "Each owner or operator subject to the provisions of §63.424 shall report to the Administrator a description of types, identification numbers…" No discussion in this section regarding signing/certifying the report. 40 CFR 63.428(g) " Each owner or operator of a bulk gasoline terminal or pipeline breakout station subject to the provisions of this subpart shall include in a semiannual report to the Administrator…" No discussion in this section regarding signing/certifying the report. 40 CFR 63.428(h) "Each owner or operator of a bulk gasoline terminal or pipeline breakout station subject to the provisions of this subpart shall submit an excess emissions report to the Administrator …." Per §63.10(e)(3). 40 CFR 63.428(i)(1) "Document and report to the Administrator…the methods, procedures, and assumptions supporting the calculations for determining criteria in §63.420(c)." No discussion in this section regarding signing/certifying the report. 40 CFR 63.428(i)(3) "Report annually to the Administrator that the facility parameter established under §63.420(i)(4) have not been exceeded." No discussion in this section regarding signing/certifying the report. 40 CFR 63.428(i)(4) "At any time following the notification required under paragraph (i)(1) of this section and approval by the Administrator…the owner or operator may submit a report to request modification of any facility parameter to the Administrator…" No discussion in this section regarding signing/certifying the report. 40 CFR 63.428(j)(1) "Document and report to the Administrator not later…the use of the emissions screening equations…" No discussion in this section regarding signing/certifying the report. 40 CFR 63.428(j)(3) "At any time following the notification…the owner or operator may notify the Administrator of modifications to the facility…" No discussion in this section regarding signing/certifying the report.		

Regulation Name	Subpart	Signature/Certification Requirement	Authority	Signature
Halogenated Solvent Cleaning	T	40 CFR 63.468(a)-(b) "Each owner or operator of…solvent cleaning machine subject to the provisions of this subpart to the Administrator…" No discussion in this section regarding signing/certifying the report. 40 CFR 63.468(c) "Each owner or operator of a batch cold solvent cleaning machine subject to the provisions of this subpart shall submit a compliance report to the Administrator. This report shall include the requirements specified in paragraphs(c)(1) through c)(2) of this section…(3) A statement signed by the owner or operator of the solvent cleaning machine, stating that the solvent cleaning machine for which the report is being submitted is in compliance with the provisions of this subpart." 40 CFR 63.648(d)–(e) "Each owner or operator of a batch vapor or in-line solvent cleaning machine complying …shall submit to the Administrator an initial statement of compliance for each …" No discussion in this section regarding signing/certifying the report. 40 CFR 63.648(f)-(g) "Each owner or operator of a batch vapor or in-line solvent cleaning…shall submit an annual report…shall include…" No discussion in this section regarding signing/certifying the report. 40 CFR 63.648(h) "Each owner or operator of a batch vapor…shall submit an exceedance report to the Administrator semiannually…The exceedance report shall include…" No discussion in this section regarding signing/certifying the report. 40 CFR 63.648(k) "Each owner or operator of a solvent cleaning machine requesting an…shall submit an equivalency request report to the Administrator…" No discussion in this section regarding signing/certifying the report.		
Marine Tank Vessel Loading Operations	Y	40 CFR 63.567(a) "The owner or operator of an affected source shall fulfill the all reporting…requirements in §§63.9 and 63.10 of subpart A of this part…and fulfill all the all reporting and …requirements in this sections." 40 CFR 63.567(b) "…The owner or operator of an affected source shall fulfill all notification requirements in §63.9 of subpart A of this part…and the notification requirements of this paragraph." 40 CFR 63.567(a) "The owner or operator of an affected source shall fulfill the all reporting…requirements in §§63.9 and 63.10 of subpart A of this part…and fulfill all the all reporting and …requirements in this sections."		

Regulation Name	Subpart	Signature/Certification Requirement	Authority	Signature
Marine Tank Vessel Loading Operations (Con't)	Y	40 CFR 63.567(b) "…The owner or operator of an affected source shall fulfill all notification requirements in §63.9 of subpart A of this part…and the notification requirements of this paragraph." 40 CFR 63.567(b)(2)-(5) "The owner or operator of a source…shall notify the Administrator in writing that the source is subject to the relevant standard…" No discussion in this section regarding signing/certifying the report. 40 CFR 63.567(c) "If the owner or operator has installed…, he/she may submit to the Administrator a request for an extension of compliance…" Per §63.6. No discussion in this section regarding signing/certifying the report. 40 CFR 63.567(d) "The owner or operator of a source required to conduct opacity…shall report…with the notification of compliance status." Per §63.9(h) 40 CFR 63.657(e) *Summary reports and excess emissions and monitoring system performance reports*-… "All excess emissions and monitoring system performance reports and all summary reports,…The written report shall also include the name, title, and signature of the responsible official who is certifying the accuracy of the report…" 40 CFR 63.567(3) "Submit a annual report of the source's HAP control efficiency calculated using …" No discussion in this section regarding signing/certifying the report.		
Petroleum Refineries	CC	40 CFR 63.654(e) "Each owner or operator of a source subject to this subpart shall submit the reports listed in paragraphs (e)(1) through (e)(3) of this section…(1) A Notification of compliance Status report…" [Per §63.9(h).] "(2) Periodic Reports…" [Per §63.654(g). No discussion in this section regarding signing/certifying the report.] 40 CFR 63.654(h)(1) "Reports of startup, shutdown, and malfunction required by §63.10(d)(5)…" 40 CFR 63.654(h)(2) "For storage vessels, notifications of inspections…(i) In order to afford the Administrator the opportunity to have an observer present, the owner or operator shall notify the Administrator…(A) Except as provided…the owner or operator shall notify the Administrator in writing…(B) …if an inspection required by…is not planned and the owner or operator could not have known about the inspection 30 days in advance …Notification may be made by telephone and immediately followed by written documentation demonstrating why…(ii) "…the owner or operator of a storage vessel shall notify the Administrator…The notification shall be made in writing…" No discussion in this section regarding signing/certifying the report.		

Regulation Name	Subpart	Signature/Certification Requirement	Authority	Signature
Petroleum Refineries (Con't)	CC	40 CFR 63.654(h)(4) "The owner or operator who request approval to monitor a different parameter than those listed…shall submit the information specified…For new or reconstructed sources, the information shall be submitted with the application for approval of construction or reconstruction required by §63.5(d)…The information may be submitted in an operating permit application, in an amendment to an operating permit application, or in a separate submittal." No discussion in this section regarding signing/certifying the report. 40 CFR 63.654(h)(5) "An owner or operator may request approval to use alternative to the continuous operating parameter monitoring…(i) Request shall be submitted with the Application for Approval of Construction or Reconstruction… The information may be submitted in an operating permit application, in an amendment to an operating permit application, or in a separate submittal." No discussion in this section regarding signing/certifying the report. 40 CFR 63.654(h)(6) "The owner or operator shall submit the information specified in paragraphs (h)(6)(i) through (h)(6)(iii)… For new or reconstructed sources, the information shall be submitted with the application for approval of construction or reconstruction required by §63.5(d)…The information may be submitted in an operating permit application, in an amendment to an operating permit application, or in a separate submittal." No discussion in this section regarding signing/certifying the report.		
Off-Site Waste and Recovery Operations (con't)	DD	40 CFR 63.697(a) "The owner or operator…shall comply with the notification requirements in §63.9 and the reporting requirements in §63.10 under 40 CFR part 63, subpart A-General Provisions…" 40 CFR 63.697(b) "The owner or operator of a control device used to meet the requirements …shall submit the following reports to the Administrator: (1) A Notification of Performance Tests…(2) Performance test reports specified in §63.10(d)(2)…(3) Startup shutdown, and malfunction reports specified in §63.10(d)(5)…(4) A summary report specified in §63.10(e)(3)… 40 CFR 63.697(c) Each owner or operator using an internal floating roof or external floating roof to comply…shall notify the Administrator in advance of each inspection…(1) Prior to each inspections to measure external…written notification shall be prepared and sent by the owner or operator…(2) Prior to each visual inspections of an internal…written notification shall be prepared and sent by the owner or operator…(3) When a visual inspection is not planned and the owner or operator could not have known…the owner or operator shall notify the Administrator…This notification may be made by telephone and immediately followed by written explanation for the why…"		

Regulation Name	Subpart	Signature/Certification Requirement	Authority	Signature
General MACT – Tanks – Level 1	OO	40 CFR 63.900 "The provisions of this subpart apply to the control of air emissions from tanks which another subpart of 40 CFR parts 60, 61, or 63 references the use of this subpart…The provisions of 40 CFR part 63, subpart A – General Provisions do not apply…" No Reporting Requirements.		
General MACT – Containers	PP	40 CFR 63.928(a) "For owners or operators that use Container Level 3…the owner or operator shall prepare and submit to the Administrator the reports required for closed-vent systems and control devices in accordance with the requirements of §63. 693 of 40 CFR 63 subpart DD …"		
General MACT – Surface Impoundments	QQ	40 CFR 63.948 "For owners or operators that use Container Level 3…the owner or operator shall prepare and submit to the Administrator the reports required for closed-vent systems and control devices in accordance with the requirements of §63. 693 of 40 CFR 63 subpart DD …"		
General MACT – Individual Drain Systems	RR	40 CFR 63.966 "For owners or operators that use Container Level 3…the owner or operator shall prepare and submit to the Administrator the reports required for closed-vent systems and control devices in accordance with the requirements of §63.693 of 40 CFR 63 subpart DD …"		
General MACT – Control Devices	SS	40 CFR 63.999(a) (1)(i) "*Performance test and flare compliance assessment notifications and reports*…The owner or operator shall notify the Administrator of the intention to conduct…" No discussion in this section regarding signing/certifying the report. 40 CFR 63.999(a) (1)(ii) "Unless specified differently in this subpart or…compliance assessment reports, not submitted as part of a Notification of Compliance Status report, shall be submitted to the Administrator…"…" No discussion in this section regarding signing/certifying the report. 40 CFR 63.999(a) (1)(iii) "Any application for a waiver of an initial performance test or flare compliance assessment…shall be submitted…" …" No discussion in this section regarding signing/certifying the report. 40 CFR 63.999(a)(1)(iv) " Any application to substitute a prior performance…shall be submitted…" No discussion in this section regarding signing/certifying the report. 40 CFR 63.999(a)(2)(i) "*Performance test and flare compliance assessment report submittal and content requirements*…For performance tests or flare compliance assessments, the Notification of Compliance Status or performance test and flare compliance assessment report shall…be submitted,…" …" No discussion in this section regarding signing/certifying the report. 40 CFR 63.999(b)(1)-(5) "*Notification of Compliance Status*….shall submit as part of the Notification of Compliance Status…" No discussion in this section regarding signing/certifying the report.		

Regulation Name	Subpart	Signature/Certification Requirement	Authority	Signature
General MACT – Control Devices (Con't)	SS	40 CFR 63.999(c)(1)-(7) "*Periodic Reports*…Periodic reports shall include…the owner or operator shall submit as part of the periodic report…For the time period covered by the periodic report...then the Administrator shall be notified by the owner or operator before…This notification may be included in the facility's periodic reporting…" No discussion in this section regarding signing/certifying the report. 40 CFR 63.999(d)(1) "*Requests for approval of monitoring alternatives*…Requests for approval to use alternatives to continuous operating …, shall be submitted as specified in the referencing subpart,…" No discussion in this section regarding signing/certifying the report. 40 CFR 63.999(d)(2) "*Monitoring a different parameter than those listed.* Requests for approval to monitor a different … shall be submitted as specified in the referencing subpart,…" No discussion in this section regarding signing/certifying the report.		
General MACT – Equipment Leaks – Level 1	TT	40 CFR 63.1018(a) "Periodic Reports. The owner or operator shall report…in the periodic report in the referencing subpart…." No discussion in this section regarding signing/certifying the report. 40 CFR 63.1018(b) "Special notifications. An owner or operator electing to comply with either…shall notify the Administrator of the alternative standard selected…" No discussion in this section regarding signing/certifying the report.		
General MACT – Equipment Leaks – Level 2	UU	40 CFR 63.1039(a) "Initial Compliance Status Report. Each owner or operator shall submit an Initial Compliance Status Report according to the procedures in the referencing subpart…." No discussion in this section regarding signing/certifying the report. 40 CFR 63.1039(b) "Periodic Reports. The owner or operator shall report…in the periodic report in the referencing subpart…." No discussion in this section regarding signing/certifying the report.		
General MACT – Oil-Water Separators and Organic-Water Separators	VV	40 CFR 63.1049(a) "Owners and operators that use a separator…shall notify the Administrator at least 30 calendar days prior…" No discussion in this section regarding signing/certifying the report. 40 CFR 63.1049(b) "Owners and operators that use a separator… shall prepare and submit to the Administrator the reports required for closed-vent systems and control devices in accordance with the requirements of §63.693 of 40 CFR 63 subpart DD…"		

Regulation Name	Subpart	Signature/Certification Requirement	Authority	Signature
General MACT – Tanks – Level 2	WW	40 CFR 63.1066(a) "Notification of initial startup. If the referencing subpart requires that a notification of initial startup be filed, then the content of the notification of initial startup shall include (at a minimum) the information specified in the referencing subpart…" No discussion in this section regarding signing/certifying the report. 40 CFR 63.1066(b) "Periodic reports. Report the information…, in the periodic report specified in the referencing subpart" No discussion in this section regarding signing/certifying the report. 40 CFR 63.1066(b)(1) "Notification of inspection…the owner or operator shall notify the Administrator…If an inspection is unplanned and the owner or operator could not have known about the inspection 30 days in advance…Notification may be made by telephone and immediately followed by written documentation demonstrating why…" No discussion in this section regarding signing/certifying the report. 40 CFR 63.1066(b)(2) "The owner or operator shall submit a copy of the inspection record…when inspection failures occur." No discussion in this section regarding signing/certifying the report. 40 CFR 63.1066(b)(3) "Request for alternate devices. The owner or operator requesting…shall submit a written application including…" No discussion in this section regarding signing/certifying the report.		
General MACT – Generic MACT	YY	40 CFR 63.1110… "(a) *Required reports*. Each owner or operator…shall submit the reports listed…(1) A Notification of Initial Startup…(2) An Initial Notification…(4) Notification of Compliance Status report …(5) Periodic Reports…(6) Application for approval of construction or reconstruction …(7) Startup, Shutdown, and Malfunction Reports…(8) Other reports…" No discussion in this section regarding signing/certifying the report. 40 CFR 63.1110 (b) "*Notification of initial startup*. An owner or operator of an affected source for which a notice of initial startup has not been submitted under §63.5, shall send the Administrator written notification of the…" No discussion in this section regarding signing/certifying the report. 40 CFR 63.1110(c) " *Initial Notification*. Owners or operators…shall notify the Administrator of the applicability…An application for approval of construction or reconstruction required under §63.5(d) of Subpart A of this part may be used t fulfill the initial notification requirements…" No discussion in this section regarding signing/certifying the report.		

Regulation Name	Subpart	Signature/Certification Requirement	Authority	Signature
General MACT – Generic MACT (Con't)	YY	40 CFR 63.1110(d) "*Notification of Compliance Status*. The owner or operator shall submit a Notification of Compliance Status for each affected source…" No discussion in this section regarding signing/certifying the report. 40 CFR 63.1110(e) "*Periodic Reports*. The owner or operator of an affected source subject to ..shall submit a Periodic Report…" No discussion in this section regarding signing/certifying the report. 40 CFR 63.1110(e)(3) "Overlap with title V reports. Information required by this subpart, which is submitted with a title V periodic report, need not also be included in a subsequent Periodic Report required by this subpart or subpart referenced by this subpart. The title V report shall be referenced in the periodic Report required by this subpart." No discussion in this section regarding signing/certifying the report. 40 CFR 63.1110(h)(5) "*Alteration of time periods or deadlines*…An owner or operator who wishes to request a change in a time period or postmark deadline for a particular requirement shall request the adjustment in writing…" No discussion in this section regarding signing/certifying the report. 40 CFR 63.1111(b)(1) "*Periodic startup, shutdown, and malfunction reporting requirements*…A startup, shutdown, and malfunction report can be submitted as part of a Periodic Report…or on a more frequent...or as established otherwise by the permitting authority in the affected source's title V permit…The report shall include…(1) The name, title, and signature of the owner or operator or other responsible official certifying its accuracy." 40 CFR 63.111(b)(2) "*Immediate Startup, shutdown, and malfunction reports*…The immediate report required under this paragraph shall contain the name, title, and signature of the owner or operator or other responsible official certifying its accuracy,…" 40 CFR 63.1112(a)(4)(i) "*Request for extension of compliance for section 112 standards.* …(A) The owner or operator…may request that the Administrator grant an extension…The conditions of an extension of compliance granted under this paragraph will be incorporated into the affected source's title V according to the provisions of part 70…(B) The request under this paragraph…shall be submitted in writing to the appropriate authority…" No discussion in this section regarding signing/certifying the report. 40 CFR 63.1112(a)(4)(ii) "…The owner or operator…unable to comply with a relevant standard…may request the Administrator grant an extension…shall be submitted in writing to the Administrator…" No discussion in this section regarding signing/certifying the report.		

Regulation Name	Subpart	Signature/Certification Requirement	Authority	Signature
General MACT – Generic MACT (Con't)	YY	40 CFR 63.1112(a)(5) "*Requests for extensions of compliance for BACT or LAER.* The owner or operator of an existing source who…may request that the Administrator grant an extension… shall be submitted in writing to the Administrator…" No discussion in this section regarding signing/certifying the report. 40 CFR 63.1112(b)(2) "…Individual performance test may be waived upon written application to the Administrator…" No discussion in this section regarding signing/certifying the report. 40 CFR 63.1112(c)(2) -(4) "*Alternatives to monitoring method.* After receipt and consideration of written application,… An owner or operator who wishes to use an alternative…shall submit an application to the Administrator…" No discussion in this section regarding signing/certifying the report. 40 CFR 63.1112(c)(6)(i)-(ii) "A*lternative to the relative accuracy test*…The owner or operator of an affected source may petition the Administrator…" No discussion in this section regarding signing/certifying the report. 40 CFR 63.1112(d)(1)-(4) "*Waiver of recordkeeping or reporting requirements*…Recordkeeping or reporting requirements may be waived upon written application to the Administrator…" No discussion in this section regarding signing/certifying the report.		
Refinery MACT II	UUU	Proposed but not promulgated. 40 CFR 63.1564(a) – "*Compliance dates*… (1)…unless an extension has been granted by the Administrator as provided in §63.6(i) of this part." See General Provisions (MACT subpart A) 40 CFR 63.6(i)(4)(i)-(ii). 40 CFR 63.1565(m) – "*Alternative parameters.* (1) The owner or operator of a catalytic cracking unit, catalytic reforming unit, or sulfur recovery unit may request approval to monitor parameters other than those listed…The request shall be submitted according to the procedures specified in paragraph (m)(2)… (2) To apply for use of alternative monitoring parameters, the owner or operator shall submit a request for review and approval…The submittal shall include…" No discussion in this section regarding signing/certifying the report.		

Regulation Name	Subpart	Signature/Certification Requirement	Authority	Signature
Refinery MACT II (Con't)	UUU	40 CFR 63.1565(n) – "*Automated data compression system.* The owner or operator may request approval to use an automated data compression system… (2)The request shall contain a description of the monitoring system…" No discussion in this section regarding signing/certifying the request. 40 CFR 63.1566(j) – "The owner or operator may use an alternative test method subject to approval by the Administrator." No discussion in this section regarding signing/certifying the request. 40 CFR 63.1567(a) – "The owner or operator shall submit written initial notifications… (1) [area source becomes major]… (2) [initial startup date after effective date]… (3) [intent to construct, construction commencement date, anticipated startup date, actual startup date]… (4) [intent to construct after effective date including information required in an application to construct; application to construct can be used in lieu of notification]… (5) [anticipated date of performance tests]…" No discussion in this section regarding signing/certifying the notification. 40 CFR 63.1567(a)(6) – "Each owner or operator…shall submit a notification of compliance status report…The notification shall be signed by the responsible official who shall certify its accuracy." See General Provision (MACT subpart A) 40 CFR 63.2 for the definition of responsible official. 40 CFR 63.1567(b) – "The owner or operator…shall submit semi-annual reports…if any period of excess emissions…occurs during the reporting period." No discussion in this section regarding signing/certifying the report. 40 CFR 63.1567(b)(6) – "The owner or operator shall submit results of any performance tests conducted…" No discussion in this section regarding signing/certifying the submittal. 40 CFR 63.1567(c)(2) – "When the actions taken to respond [to a startup, shutdown, or malfunction] are not consistent with the plan…The owner or operator shall report these events and the response taken in the semi-annual startup, shutdown, and malfunction report required under §63.10(d)(1) of this part." See General Provisions (MACT subpart A) §63.10(d)(1). 40 CFR 63.1567(d) – "For the purposes of annual certifications of compliance required by the permitting regulations in parts 70 or 71 of this chapter, thew owner or operator shall certify continuing compliance…" See Operating Permits/Periodic Monitoring (40 CFR part 70).		

Regulation Name	Subpart	Signature/Certification Requirement	Authority	Signature
Heaters/Boilers		Not yet proposed.		
Engines/Gas Turbines		Not yet proposed.		
Organic Liquid Dist.		Not yet proposed.		
Misc. Organic NESHAP		Not yet proposed.		
Site Remediation		Not yet proposed.		
Asphalt Processing		Not yet proposed.		
CAM (40 CFR part 64)				
Compliance Assurance Monitoring		40 CFR 64.9 – "…the owner or operator shall submit monitoring reports to the permitting authority in accordance with §70.6(a)(3)(iii)…" Refer to Operating Permits		
Operating Permits (40 CFR part 70)				
State Operating Permit Programs		40 CFR 70.2 Definitions "*Designated representative* shall have the meaning given to in the section 402(26) of the Act and the regulations promulgated thereunder." "*Responsible official* means one of the following: (1) For a corporation: a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such a person if the representative is responsible for the overall operation of on or more manufacturing, production, or operating facilities applying for or subject to a permit and either: (i) The facilities employ more than 250 persons or have gross annual sales or expenditures exceeding $25 million (in second quarter 1980 dollars); or (ii) The delegation of authority to such representative is approved in advance by the permitting authority. (2) For a partnership… (3) For a municipality…. (4) For affected sources: (i) The designated representative in so far as actions, standards, requirements, or prohibitions under title IV of the Act or the regulations promulgated thereunder are concerned; and (ii) The designated representative for any other purposes under part 70. CAA 402(26) – "The term "designated representative" means a responsible person or official authorized by the owner or operator of a unit to represent the owner or operator in matters pertaining to the holding, transfer, or disposition of allowances allocated to a unit, and submission of and compliance with permits, permit applications, and compliance plans for the unit."		

Regulation Name	Subpart	Signature/Certification Requirement	Authority	Signature
State Operating Permit Programs (Con't)		40 CFR 70.3(b)(12) – "…to allow changes within a permitted facility without requiring a permit revisions, if the changes are not modifications under any provision of title I of the Act…*Provided*, That the facility provides the Administrator and the permitting authority with written notification…" No discussion in this section regarding signing/certifying the notification. 40 CFR 70.3(b)(14) – "If a State allows changes that are not addressed or prohibited by the permit...to be made without a permit revision…(ii) Sources must provide contemporaneous notice to the permitting authority and EPA of each such change…" No discussion in this section regarding signing/certifying the notification. 40 CFR 70.5(a) – "For each part 70 source, the owner or operator shall submit a timely and complete permit application in accordance with this section." See 40 CFR 70.5(d). 40 CFR 70.5(b) – "Any application who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information. In addition, an applicant shall provide additional information as necessary to address any requirements that become applicable to the source after the date it filed a complete application but prior to release of a draft permit." See 40 CFR 70.5(d). 40 CFR 40.705(c)(9)(iii) – "A schedule for submission of compliance certifications during the permit term, to be submitted no less frequently than annually, or more frequently if specified by the underlying applicable requirement or by the permitting authority…" See 40 CFR 70.5(d). 40 CFR 70.5(d) – "Any application form, report, or compliance certification submitted pursuant to these regulations shall contain certification by a **responsible official** of truth, accuracy, and completeness. This certification and any other certification required under this part shall state, that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete." 40 CFR 70.6(a)(3)(iii) – "With respect to reporting, the permit shall incorporate all applicable reporting requirements and require the following: (A) Submittal of reports of any required monitoring…All instances of deviations from permit requirements must be clearly identified in such reports. All required reports must be certified by a **responsible official** consistent with §70.5(d) of this part. (B) Prompt reporting of deviations from permit requirements…" See 40 CFR 70.5(d).		

Regulation Name	Subpart	Signature/Certification Requirement	Authority	Signature
State Operating Permit Programs (Con't)		40 CFR 70.6(a)(6)(iii) – "…The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance …" Does 40 CFR 70.5(d) apply since this is a request and not an application, report, or compliance certification? 40 CFR 70.6(a)(6)(viii) – "The permittee shall furnish to the permitting authority…any information that the permitting authority may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the permitting authority copies of records required to be kept by the permit or, for information claimed to be confidential, the permittee may furnish records directly to the Administrator along with a claim of confidentiality." Does 40 CFR 70.5(d) apply since this is a request and not an application, report, or compliance certification? 40 CFR 70.6(c)(1) – "Consistent with paragraph (a)(3) of this section, compliance certification, testing, monitoring, reporting, and recordkeeping requirements sufficient to assure compliance with the terms and conditions of the permit. Any document (including reports) required by a part 70 permit shall contain a certification by a **responsible official** that meets the requirements of §70.5(d) for this part." See 40 CFR 70.5(d). 40 CFR 70.6(c)(4) – "Progress reports consistent with an applicable schedule of compliance and §70.5(c)(8) [to bring a source into compliance] of this part to be submitted at least semiannually, or at a more frequent period if specified in the applicable requirement or by the permitting authority." See 40 CFR 70.5(d). 40 CFR 70.6(c)(5)(iv) – "A requirement that all compliance certifications be submitted to the Administrator as well as the permitting authority." See 40 CFR 70.5(d). 40 CFR 70.7(d)(iv) – "Allows for a change in ownership or operational control of a source….provided that a written agreement… between the current and new permittee has been submitted to the permitting authority." Does 40 CFR 70.5(d) apply since this is a submittal and not an application, report, or compliance certification? **Notification, reports, etc. submitted in compliance with the applicable requirements of a Title V Operating Permit.**		

Regulation Name	Subpart	Signature/Certification Requirement	Authority	Signature
Stratospheric Ozone Protection (40 CFR part 82)				
The Labeling of Products Using Ozone-Depleting Substances	E	40 CFR 82.122(a) – "*Certification*. (1) Persons claiming the exemption provided in §82.106(b)(2) [labeling requirements for containers with trace quantities of ODS] must submit a written certification… (5) Certifications must be signed by the owner or a responsible corporate officer." Responsible corporate officer is not defined in 40 CFR part 82. 40 CFR 82.122(c) – "Persons who claim the exemption under §82.106(b)(2) [labeling requirements for containers with trace quantities of ODS] must submit a notice…" No discussion in this section regarding signing/certifying the submittal.		
Recycling and Emissions Reductions	F	40 CFR 82.166(n) – "The owners and operators of appliances must…report to EPA…the following information [industrial process refrigeration equipment – leak rate, repairs, why repairs cannot be made, verification test results, etc.)]…" No discussion in this section regarding signing/certifying the report. 40 CFR 82.166(o) – "The owners or operators of [industrial process refrigeration equipment] must…report to EPA…the following information [leak rate, repairs, retrofits, etc.]…" No discussion in this section regarding signing/certifying the report.		

AST/UST

Aboveground storage tank (AST) rules (other than air rules) and underground storage tank (UST) rules were not reviewed because of staffing but signature/certification requirements for applications/notifications/reports/submittals are similar to other environmental regulations.

CERCLA/EPCRA

Regulation Name	Signature/Certification Requirement	Authority	Signature
CERCLA - Episodic Release Reports	40 CFR 302.6 – "Any person in charge of a vessel or an offshore on an onshore facility shall, as soon as he has knowledge of any release of a hazardous substance in a quantity equal to or exceeding the reportable quantity determined by this part in any 24-hour period immediately notify the NRC in Washington, DC." No signature/certification specified.		

Regulation Name	Signature/Certification Requirement	Authority	Signature
CERCLA - Continuous Release Reports	40 CFR 302.8(c) – The following notifications shall be given for any release qualifying for reduced reporting under this section... 40 CFR 302.8 (d) – Initial telephone notification. Prior to making an initial telephone or notification of a continuous release, the person in charge of a facility or vessel must establish a sound basis for qualifying the release for reporting under CERCLA section 103(f)(2). 40 CFR 302.8 (e)(1) – Initial written notification to the appropriate EPA Regional Office shall occur within 30 days of the initial telephone notification to the NRC and shall include .....A signed statement that the hazardous substances release(s) described is (are) continuous and stable in quantity and rate under the definition in this section and that all reported information is accurate and current to the best knowledge of the person in charge. 40 CFR 302.8 (f) - Within 30 days of the first anniversary date of the initial written notification, the person in charge of the facility or vessel shall evaluated each hazardous substance release reported to verify and update the information submitted in the initial written notification. 40 CFR 302.8 (h) - Notification of a statistically significant increase in a release shall be made to the NRC as soon as the person in charge of the facility or vessel has knowledge of the increase. 40 CFR 302.8 (j) - In lieu of an initial written report or a follow-up report, owners or operators of facilities...may submit to the appropriate EPA Regional Office a copy of the Toxic Release Inventory form submitted the previous July 1.		
EPCRA - Emergency Planning	40 CFR 355.30(a) - The requirements of this section apply to any facility at which there is present an amount of any extremely hazardous substance equal to or in excess of its threshold planning quantity. 40 CFR 355.30 (b) - The owner of operator of a facility shall provide notification to the Commission that it is subject to the emergency planning requirements. 40 CRR 355.30 (c) - The owner or operator shall notify the local emergency planning committee of the designated facility representative." 40 CFR 355.30 (d) - The owner or operator of a facility subject to this section shall inform the local emergency planning committee of any changes occurring at the facility which may be relevant to emergency planning.		

Regulation Name	Signature/Certification Requirement	Authority	Signature
EPCRA - Emergency Release Notification	40 CFR 355.40 (a) - The requirements of this section apply to any facility at which a hazardous chemical is produced, used or stored and at which there is release of a reportable quantity of any extremely hazardous substance or CERCLA hazardous substance. 40 CFR 355.40(b) - The owner of operator of a facility subject to this section shall immediately notify the community emergency coordinator for the local emergency planning committee of any area likely to be affected by the release and the State emergency response commission of any State likely to be affected by the release. 40 CFR 355.40(b)(3) - As soon as practicable after a release which requires notice under (b)(1) of this section, such owner or operator shall provide a written follow-up emergency notice setting forth and updating the information required under paragraph (b)(2) of this section...		
EPCRA - Inventory Reporting (Tier II)	40 CFR 370.20(a) - The requirements of this subpart apply to any facility that is required to prepare or have available a MSDS for a hazardous chemical under OSHA... 40 CFR 370.20(d) - The owner or operator of a facility subject to this subpart shall submit the Tier I form or Tier II form on or before March 1, 1991 (or March 1 of the first year after the facility first becomes subject to this subpart), and annually thereafter, covering all hazardous chemicals present at a facility at any one time during the preceding calendar year in amounts equal to or greater than their thresholds.		
EPCRA - Supplier Notification Requirement	40 CFR 372.45 (a) ...a person who owns or operates a facility or establishment which meets certain conditions must notify each person to whom the mixture or trade name product is sold or otherwise distributed from the facility or establishment. 40 CFR 372.45 - The notice must be in writing but no signatory requirement is given other than the notification must be from "a person who owns or operates a facility.		
EPCRA - Toxic Release Inventory	40 CFR 372.30(a) - For each toxic chemical....used in excess of an applicable threshold quantity, the owner or operator must submit to EPA and to the State in which it is located a complete EPA Form R. 40 CFR 372.85(b) - Information report on EPA Form R must include the following (2) Signature of a senior management official certifying the following...		
EPCRA - Alternate Threshold Certification and Instructions (Form A)	40 CFR 372.85(a) - Availability of the alternate threshold certification statement and instructions 40 CFR 372.95(b)(4) - Signature of a senior management official certifying the following "I certify that....the annual reportable amount did not exceed 500 pounds for this reporting year and that the chemical was used in an amount not exceeding 1 million pounds during the reporting year."		

Fuels

Notification and reporting requirements for fuels specifications not handled by an API member company.

RMP

Notification and reporting requirements for fuels specifications not handled by an API member company.

TSCA

Regulation Name	Signature/Certification Requirement	Authority	Signature
TSCA Section 5 Premanufacture notification (PMN) 40 CFR 720	All chemical substances put into commerce in the US must be on the TSCA Inventory. (Section 8b). Substantial penalties for noncompliance. EPAs TSCA audit at PAR focused on this. 720.22. Premanufacture notification (PMN) must be submitted to EPA for chemical substances that are not on the TSCA inventory prior to manufacture (or import) for commercial purpose. 720.78: Recordkeeping required includes date that manufacture (or import) is initiated, production volume for first three years of production. This information has to be retained for 5 years after date that commercial manufacture commences. 720.102: Notice of Commencement must be sent to EPA within 30 days of beginning commercial manufacture (or import)		
Inventory Update Rule TSCA Sections 8a, 8b provide statutory authority 40 CFR 710	710.28. Applies to any person who manufactures 10,000 lbs or more of a chemical substance for commercial purpose at any single site during the past year. 710.32. For each such substance report respondent must include: certification statement signed by authorized person, name of technical information contact, chemical name and CAS# for each substance reported, name and address of each site manufacturing or importing $\geq$ 10,000 lbs of the substance, statement of whether it's manufactured or imported, statement of whether it's site-limited, and total amount (lbs) manufactured or imported at each site, to two significant figures accuracy. Reporting required once every four years. The last report was submitted late 1999 or beginning 2000, so next report due in about three years.		

Regulation Name	Signature/Certification Requirement	Authority	Signature
TSCA Section 8(c) health effect allegation recordkeeping 40 CFR 717	EPA can request to inspect or call-in copies of TSCA 8c records. Inspection at audit more likely. A call-in would be extremely unusual. I'm unaware of any TSCA 8c call-in ever being directed to the parent companies. I've not been informed of any having been directed an API member company. 717.1 Manufacturers, processors and distributors of chemical substances or mixtures are required to keep records of significant adverse reactions to human health or the environment alleged to have been caused by them. Same must also permit to inspection of the records by EPA and submit copies of them to EPA upon EPA request. 717.15 Record copies are to be kept at the company's headquarters or other location central to the company's chemical operations. Records of employee other persons allegations must be retained for 30 years or 5 years, respectively. An API member company TSCA 8c and TSCA 8e compliance procedures document describes the requirements and compliance responsibilities.		
TSCA Section 8(e) substantial risk reporting	Not in CFR but well-known TSCA reporting requirement Typically this requirement is triggered by results of toxicity testing in experimental animals. An API member company TSCA 8(e) committee reviews information obtained by the Company that may be TSCA 8(e) reportable. Recommends to the Director whether the information should be reported under that requirement. Reporting decision made by Director. An API member company TSCA 8c and 8e compliance procedures document describes the requirements and compliance responsibilities. This includes process by which information that comes to attention of any company employee would be forwarded to the attention of the TSCA 8e committee chairperson. Company has standing TSCA 8(e) committee to comply with this requirement.		
TSCA Section 12(b) Export Notification 40 CFR 707	707.65: Exporters must notify EPA on or prior to first exporting certain substances that are regulated under TSCA Sections 4,5,6, or 7. Notification must include name of the chemical being exported, name and address of exporter, country of import, date of export or intended export, and regulating section of TSCA.		

Waste

Regulation Name	Signature/Certification Requirement	Authority	Signature
RCRA - Certification	40 CFR 260.10 "Certification" means a statement of professional opinion based upon knowledge and belief.		
RCRA - Manifest	40 CFR 262.23 (a) The generator must: (1) Sign the manifest certification by hand;		
RCRA - Containment Buildings	40 CFR 262.34(a) …a generator may accumulate hazardous waste …(iv) The waste is placed in containment buildings and the generator complies with subpart DD of 40 CFR part 265, has placed its professional engineer certification that the building complies with the design standards specified in 40 CFR 265.1101 in the facility's operating record no later than 60 days after the date of initial operation of the unit. After February 18, 1993, PE certification will be required prior to operation of the unit.		
RCRA - Generator: 100 - 1000 kg/calendar month	40 CFR 262.34(d)(5)(iv)(C) In the event of a fire, explosion, or other release which could threaten human health outside the facility or when the generator has knowledge that a spill has reached surface water, the generator must immediately notify the National Response Center (using their 24-hour toll free number 800/424-8802).		
RCRA - Biennial Report	40 CFR 262.41 (a) A generator who ships any hazardous waste off-site …within the United States must prepare and submit …a Biennial Report …by March 1 of each even numbered year. The Biennial Report … must include the following information: (8) The certification signed by the generator or authorized representative.		
RCRA - Intent to Export	40 CFR 262.53 (a) A primary exporter of hazardous waste must notify EPA of an intended export before such waste is scheduled to leave the United States. A complete notification should be submitted sixty (60) days before the initial shipment is intended to be shipped off site. This notification may cover export activities extending over a twelve- (12) month or lesser period. The notification must be in writing, signed by the primary exporter, and include the following information:		
RCRA - Waste Exporter	40 CFR 262.54(d) The following statement must be added to the end of the first sentence of the certification set forth in Item 16 of the Uniform Hazardous Waste Manifest Form: "and conforms to the terms of the attached EPA Acknowledgement of Consent";		
RCRA - Waste Exporter Report	40 CFR 262.56(a) Primary exporters of hazardous waste shall file with the Administrator no later than March 1 of each year, a report … of all hazardous waste exported during the previous calendar year. Such reports shall include the following: (6) A certification signed by the primary exporter which states…		
RCRA - Manifest - Generators Certification	40 CFR · 262 Appendix Item 16. Generator's Certification. The generator must read, sign (by hand), and date the certification statement. … Primary exporters shipping hazardous wastes to a facility located outside of the United States must add to the end of the first sentence of the certification the following words "and conforms to the terms of the EPA Acknowledgment of Consent to the shipment." In signing the waste minimization certification statement, those generators who have not been exempted by statute or regulation from the duty to make a waste minimization certification under section 3002(b) of RCRA are also certifying that they have complied with the waste minimization requirements. Generators may preprint the words, "On behalf of" in the signature block or may hand write this statement in the signature block prior to signing the generator certifications.		

Regulation Name	Signature/Certification Requirement	Authority	Signature
RCRA - Manifest - Waste Receipt	40 CFR· 262 Appendix. Print or type the name of the person accepting the waste on behalf of the owner or operator of the facility. That person must acknowledge acceptance of the waste described on the Manifest by signing and entering the date of receipt.		
RCRA - Surface Impoundment, Waste Pile, Landfill	40 CFR · 264.19 (d) Certification. Waste shall not be received in a unit subject to § 264.19 until the owner or operator has submitted to the Regional Administrator by certified mail or hand delivery a certification signed by the CQA officer that the approved CQA plan has been successfully carried out and that the unit meets the requirements of §§ 264.221(c) or (d), 264.251(c) or (d), or 264.301(c) or (d); and the procedure in § 270.30(l)(2)(ii) of this chapter has been completed. (The program must be developed and implemented under the direction of a CQA officer who is a registered professional engineer.)		
RCRA - Manifest - Waste Receipt	40 CFR 264.71 (a) If a facility receives hazardous waste accompanied by a manifest, the owner or operator, or his agent, must: (1) Sign and date each copy of the manifest to certify that the hazardous waste covered by the manifest was received;		
RCRA - Shipping Paper	40 CFR· 264.71 (b) If a facility receives, from a rail or water (bulk shipment) transporter, hazardous waste which is accompanied by a shipping paper containing all the information required on the manifest (excluding the EPA identification numbers, generator's certification, and signatures), the owner or operator, or his agent, must: (1) Sign and date each copy of the manifest or shipping paper (if the manifest has not been received) to certify that the hazardous waste covered by the manifest or shipping paper was received;		
RCRA - Manifest Discrepancies	40 CFR 264.72(b) … If the discrepancy is not resolved within 15 days after receiving the waste, the owner or operator must immediately submit to the Regional Administrator a letter describing the discrepancy and attempts to reconcile it, and a copy of the manifest or shipping paper at issue.		
RCRA - Operating Record	40 CFR · 264.73(b) The following information must be recorded, as it becomes available, and maintained in the operating record until closure of the facility: (9) A certification by the permittee no less often than annually, that the permittee has a program in place to reduce the volume and toxicity of hazardous waste that he generates to the degree determined by the permittee to be economically practicable; and the proposed method of treatment, storage or disposal is that practicable method currently available to the permittee which minimizes the present and future threat to human health and the environment.		
RCRA - Biennial Report	40 CFR· 264.75 …the report must include: (j) The certification signed by the owner or operator of the facility or his authorized representative.		
RCRA - Monitoring Wells	40 CFR 264.98(g) The owner or operator determines pursuant to paragraph (f) of this section that there is statistically significant evidence of contamination for chemical parameters or hazardous constituents specified pursuant to paragraph (a) of this section at any monitoring well at the compliance point, he or she must: (1) Notify the Regional Administrator of this finding in writing within seven days. The notification must indicate what chemical parameters or hazardous constituents have shown statistically significant evidence of contamination;		
RCRA - Monitoring Wells	40 CFR 264.99 (h) If the owner or operator determines pursuant to paragraph (d) of this section that any concentration limits under § 264.94 are being exceeded at any monitoring well at the point of compliance he must: (1) Notify the Regional Administrator of this finding in writing within seven days. The notification must indicate what concentration limits have been exceeded.		

Regulation Name	Signature/Certification Requirement	Authority	Signature
RCRA - Amendment of Closure Plan	40 CFR 264.112(c) Amendment of plan. The owner or operator must submit a written notification or request for a permit modification to authorize a change in operating plans, facility design, or the approved closure plan in accordance with the applicable procedures in Parts 124 and 270. The written notification or request must include a copy of the amended closure plan for review or approval by the Regional Administrator.		
RCRA - Partial Closure or Closure	40 CFR 264.112(d)(1) The owner or operator must notify the Regional Administrator in writing at least 60 days prior to the date on which he expects to begin closure of a surface impoundment, waste pile, land treatment or landfill unit, or final closure of a facility with such a unit. The owner or operator must notify the Regional Administrator in writing at least 45 days prior to the date on which he expects to begin final closure of a facility with only treatment or storage tanks, container storage, or incinerator units to be closed. The owner or operator must notify the Regional Administrator in writing at least 45 days prior to the date on which he expects to begin partial or final closure of a boiler or industrial furnace, whichever is earlier.		
RCRA - Certification of Closure	40 CFR 264.115 Within 60 days of completion of closure of each hazardous waste surface impoundment, waste pile, land treatment, and landfill unit, and within 60 days of the completion of final closure, the owner or operator must submit to the Regional Administrator, by registered mail, a certification that the hazardous waste management unit or facility, as applicable, has been closed in accordance with the specifications in the approved closure plan. The certification must be signed by the owner or operator and by an independent registered professional engineer.		
RCRA - Amendment of Post-Closure Plan	40 CFR 264.118(d) The owner or operator must submit a written notification of or request for a permit modification to authorize a change in the approved post-closure plan …		
RCRA - Post Closure Notices	40 CFR 264.119. No later than 60 days after certification of closure of each hazardous waste disposal unit, the owner or operator must submit to the local zoning authority, or the authority with jurisdiction over local land use, and to the Regional Administrator a record of the type, location, and quantity of hazardous wastes disposed of within each cell or other disposal unit of the facility. b) Within 60 days of certification of closure of the first hazardous waste disposal unit and within 60 days of certification of closure of the last hazardous waste disposal unit, the owner or operator must: (1) Record, in accordance with State law, a notation on the deed to the facility property -- or on some other instrument which is normally examined during title search -- that will in perpetuity notify any potential purchaser of the property that: (i) The land has been used to manage hazardous wastes; and (2) Submit a certification, signed by the owner or operator, that he has recorded the notation specified in paragraph (b)(1) of this Section, including a copy of the document in which the notation has been placed, to the Regional Administrator.		
RCRA - Certification of Completion of Post-Closure Care	40 CFR 264.120. No later than 60 days after completion of the established post-closure care period for each hazardous waste disposal unit, the owner or operator must submit to the Regional Administrator, by registered mail, a certification that the post-closure care period for the hazardous waste disposal unit was performed in accordance with the specifications in the approved post-closure plan. The certification must be signed by the owner or operator and an independent registered professional engineer.		

Regulation Name	Signature/Certification Requirement	Authority	Signature
RCRA - Variance from Secondary Containment	264.193(h) The following procedures must be followed in order to request a variance from secondary containment: (1) The Regional Administrator must be notified in writing by the owner or operator that he intends to conduct and submit a demonstration for a variance from secondary containment as allowed in paragraph (g) according to the following schedule:		
RCRA - Tank System Leaks	§ 264.196(d)(1) Any release to the environment ... must be reported … within 24 hours of its detection. … (3) Within 30 days of detection … a report … must be submitted to the Regional Administrator:		
RCRA - Surface Impoundment Leak Detection	40 CFR 264.223(b) If the flow rate into the leak detection system exceeds the action leakage rate for any sump, the owner or operator must: (1) Notify the Regional Administrator in writing of the exceedence within 7 days of the determination; (2) Submit a preliminary written assessment to the Regional Administrator within 14 days of the determination…		
RCRA - Post Closure Care	40 CFR 264.228(d) During the post-closure care period, if liquids leak into a leak detection system … the owner or operator must notify the Regional Administrator of the leak in writing within seven days after detecting the leak.		
RCRA - Unsaturated Zone Monitoring	40 CFR 264.278(g) If the owner or operator determines, pursuant to paragraph (f) of this section, that there is a statistically significant increase of hazardous constituents below the treatment zone, he must: (1) Notify the Regional Administrator of this finding in writing within seven days. The notification must indicate what constituents have shown statistically significant increases.		
RCRA - Certification of Completion of Post-Closure Care	40 CFR · 264.280 (b) For the purpose of complying with § 264.115, when closure is completed the owner or operator may submit to the Regional Administrator certification by an independent qualified soil scientist, in lieu of an independent registered professional engineer, that the facility has been closed in accordance with the specifications in the approved closure plan.		
RCRA - Landfills	40 CFR 264.304 (b) If the flow rate into the leak detection system exceeds the action leakage rate for any sump, the owner or operator must: (1) Notify the Regional Administrator in writing of the exceedence within 7 days of the determination;		
RCRA - CC - Not Applicable	40 CFR · 264.1080 (b) The requirements of this subpart do not apply to the following waste management units at the facility: (7) A hazardous waste management unit that the owner or operator certifies is equipped with and operating air emission controls in accordance with the requirements of an applicable Clean Air Act regulation codified under 40 CFR part 60, part 61, or part 63.		
RCRA - AA - Not Applicable	40 CFR · 264.1030(e). The requirements of this subpart do not apply to the process vents at a facility where the facility owner or operator certifies that all of the process vents that would otherwise be subject to this subpart are equipped with and operating air emission controls in accordance with the process vent requirements of an applicable Clean Air Act regulation codified under 40 CFR part 60, part 61, or part 63.		
RCRA - CC - Surface Impoundment	40 CFR 264.1089(c) The owner or operator of a surface impoundment using air emission controls … shall prepare and maintain records … that include the following information: (2) Documentation … that includes information prepared by the owner or operator or provided by the cover manufacturer or vendor describing the cover design, and certification by the owner or operator that the cover meets the specifications listed in § 264.1085(c) of this subpart.		

Regulation Name	Signature/Certification Requirement	Authority	Signature
RCRA - CC - Closed Vent System	40 CFR 264.1089(e)(1)(i) Certification that is signed and dated by the owner or operator stating that the control device is designed to operate at the performance level documented by design … or by performance tests … when the tank, surface impoundment, or container is or would be operating at capacity or the highest level reasonably expected to occur.		
RCRA - CC - Control Certification	40 CFR 264.1089(j) For each hazardous waste management unit not using air emission controls specified in §§ 264.1084 through 264.1087 … the owner and operator shall record and maintain … (1) Certification that the waste management unit is equipped with and operating air emission controls in accordance with the requirements of an applicable Clean Air Act regulation codified under 40 CFR part 60, part 61, or part 63.		
RCRA - Containment Buildings	40 CFR 264.1101(a)(2) Obtain certification by a qualified registered professional engineer that the containment building design meets the requirements of paragraphs (a) through (c) of this section. For units placed into operation prior to February 18, 1993, this certification must be placed in the facility's operating record (on-site files for generators who are not formally required to have operating records) no later than 60 days after the date of initial operation of the unit. After February 18, 1993, PE certification will be required prior to operation of the unit.		
RCRA - Combustion in Boilers or Industrial Furnaces	40 CFR 266.100(b) Integration of the MACT standards. (1) Except as provided by paragraph (b)(2) … the standards of this part no longer apply when an affected source demonstrates compliance with the …(MACT) requirements of part 63…and submitting to the Administrator a Notification of Compliance …		
RCRA - BIF Compliance Testing	40 CFR 266.103 (2) Prior notice of compliance testing. At least 30 days prior to the compliance testing required by paragraph (c)(3) of this section, the owner or operator shall notify the Director and submit the following information:		
RCRA - BIF	40 CFR 266.103 (8) Revised certification of compliance. (ii) At least 30 days prior to first burning hazardous waste under operating conditions that exceed those established under a current certification of compliance, the owner or operator shall notify the Director and submit the following information:		
RCRA - Small Quantity On-Site Burner Exemption.	40 CFR 266.108(d) Notification requirements. The owner or operator of facilities qualifying for the small quantity burner exemption under this section must provide a one-time signed, written notice to EPA indicating the following:		
RCRA - Surface Impoundment Treatment	40 CFR 268.4(a) Wastes which are otherwise prohibited from land disposal under this part may be treated in a surface impoundment or series of impoundments provided that: (4) The owner or operator submits to the Regional Administrator a written certification that the requirements of § 268.4(a)(3) have been met.		
RCRA - Surface Impoundment - Extension Period	40 CFR · 268.5(7)(b) An authorized representative signing an application described under paragraph (a) of this section shall make the following certification: I certify under penalty …		
RCRA - Petitions to Allow Land Disposal	40 CFR 268.6(a) Any person seeking an exemption from a prohibition … for the disposal of a restricted hazardous waste … must submit a petition to the Administrator … Each petition must include the following statement signed by the petitioner or an authorized representative: I certify under penalty …		
RCRA - Petitions to Allow Land Disposal	40 CFR 268.6(f) If the owner or operator determines that there is migration of hazardous constituent(s) from the unit, the owner or operator must: (2) Notify the Administrator, in writing, within 10 days of the determination that a release has occurred.		

Regulation Name	Signature/Certification Requirement	Authority	Signature
RCRA - Does Not Meet Treatment Standards	40 CFR · 268.7(a)(2) If the waste or (waste-) contaminated soil does not meet the treatment standard: With the initial shipment of waste to each treatment or storage facility, the generator must send a one-time written notice to each treatment or storage facility receiving the waste, and place a copy in the file…No further notification is necessary until such time that the waste or facility change, in which case a new notification must be sent and a copy placed in the generator's file. (2)(i) For (waste-) contaminated soil, the following certification statement should be included, signed by an authorized representative: I certify under penalty of law that I personally have examined this contaminated soil and it [does/does not] contain listed hazardous waste and [does/does not] exhibit a characteristic of hazardous waste and requires treatment to meet the soil treatment standards as provided by 268.49(c).		
RCRA - Does Meet Treatment Standards	40 CFR · 268.7(a)(3) If the waste or (waste-) contaminated soil meets the treatment standard at the original point of generation: (i) With the initial shipment of waste … the generator must send a one-time written notice to each … facility receiving the waste, and place a copy in the file. The notice must include … the following certification statement, signed by an authorized representative: I certify under penalty of law that … (3)(iii) If the waste changes, the generator must send a new notice and certification to the receiving facility, and place a copy in their files. Generators of hazardous debris excluded from the definition of hazardous waste under § 261.3(f) of this chapter are not subject to these requirements.		
RCRA - Lab Packs	40 CFR 268.7(a)(9) If a generator is managing a lab pack containing hazardous wastes and wishes to use the alternative treatment standard for lab packs found at § 268.42(c): (i) With the initial shipment of waste to a treatment facility, the generator must submit a notice … and the following certification. The certification, which must be signed by an authorized representative and must be placed in the generator's files, must say the following: I certify … (9)(ii) No further notification is necessary until such time that the wastes in the lab pack change, or the receiving facility changes, in which case a new notice and certification must be sent and a copy placed in the generator's file.		
RCRA - Small Quantity Generator - Tolling Agreements	40 CFR 268.7(a)(10) Small quantity generators with tolling agreements pursuant to 40 CFR 262.20(e) must comply with the applicable notification and certification requirements of paragraph (a) of this section for the initial shipment of the waste subject to the agreement. Such generators must retain on-site a copy of the notification and certification, together with the tolling agreement, for at least three years after termination or expiration of the agreement.		
RCRA - Characteristic Waste - Treatment On-Site	40 CFR 268.7(v) For characteristic wastes that contain underlying hazardous constituents …that are treated on-site … the certification must state the following: I certify under penalty of law that the waste has been treated …		

Regulation Name	Signature/Certification Requirement	Authority	Signature
RCRA - Hazardous Debris Exclusions	40 CFR 268.7(d) Generators or treaters who first claim that hazardous debris is excluded from the definition of hazardous waste under § 261.3(e) of this chapter (i.e., debris treated by an extraction or destruction technology provided by Table 1, § 268.45, and debris that the EPA Regional Administrator … or State … has determined does not contain hazardous waste) are subject to the following notification and certification requirements: (1) A one-time notification, including the following information, must be submitted to the EPA Regional hazardous waste management division director … or State authorized to implement part 268 requirements: …		
RCRA - Treated Debris - Shipment	(3) For debris excluded under § 261.3(e)(1) of this chapter, the owner or operator of the treatment facility must document and certify compliance with the treatment standards of Table 1, § 268.45, as follows: …(iii) For each shipment of treated debris, a certification of compliance with the treatment standards must be signed by an authorized representative and placed in the facility's files. The certification must state the following: …		
RCRA - Special Rules Regarding Wastes that Exhibit a Characteristic Hazard	40 CFR 268.9(a) The initial generator of a solid waste must determine each …(waste code) applicable to the waste in order to determine the applicable treatment standards … (d) Wastes that exhibit a characteristic are also subject to § 268.7 requirements, except that once the waste is no longer hazardous, a one-time notification and certification must be placed in the generators or treaters files and sent to the EPA region or authorized state. The notification and certification that is placed in the generators or treaters files must be updated if the process or operation generating the waste changes and/or if the subtitle D facility receiving the waste changes. However, the generator or treater need only notify the EPA region or an authorized state on an annual basis if such changes occur. Such notification and certification should be sent to the EPA region or authorized state by the end of the calendar year, but no later that December 31. (2) The certification must be signed by an authorized representative and must state the language found in § 268.7(b)(4).		
RCRA - Revisions to Identification / Listing of Hazardous Wastes	40 CFR 270.1(b) … Not later than 90 days after the promulgation or revision of regulations in 40 CFR Part 261 (identifying and listing hazardous wastes) generators and transporters of hazardous waste, and owners or operators of hazardous waste treatment, storage, or disposal facilities may be required to file a notification of that activity under section 3010.		

Regulation Name	Signature/Certification Requirement	Authority	Signature
RCRA - Signatories to Permit Applications	40 CFR 270.11(a) Applications. All permit applications shall be signed as follows: (1) For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy-or decision making functions for the corporation, or the manager of one or more manufacturing, production or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding $25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures. NOTE: EPA does not require specific assignments or delegations of authority to responsible corporate officers identified in § 270.11(a)(1)(i). The Agency will presume that these responsible corporate officers have the requisite authority to sign permit applications unless the corporation has notified the Director to the contrary. Corporate procedures governing authority to sign permit applications may provide for assignment or delegation to applicable corporate positions under § 270.11(a)(1)(ii) rather than to specific individuals.		

Regulation Name	Signature/Certification Requirement	Authority	Signature
RCRA - Signatories to Reports	40 CFR 270.11(b) Reports. All reports required by permits and other information requested by the Director shall be signed by a person described in paragraph (a) of this section, or by a duly authorized representative of that person. A person is a duly authorized representative only if: (1) The authorization is made in writing by a person described in paragraph (a) of this section; (2) The authorization specifies either an individual or a position having responsibility for overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, or position of equivalent responsibility. (A duly authorized representative may thus be either a named individual or any individual occupying a named position); and (3) The written authorization is submitted to the Director. (c) Changes to authorization. If an authorization under paragraph (b) of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph (b) of this section must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative. (d)(1) Any person signing a document under paragraph (a) or (b) of this must make the following certification: I certify under penalty of law that this document and all attachments were prepared under my direction or supervision according to a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. (2) For remedial action plans (RAPs) under subpart H of this part, if the operator certifies according to paragraph (d)(1) of this section, then the owner may choose to make the following certification instead of the certification in paragraph (d)(1) of this section: Based on my knowledge of the conditions of the property described in the RAP and my inquiry of the person or persons who manage the system referenced in the operator's certification, or those persons directly responsible for gathering the information, the information submitted is, upon information and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.		
RCRA - Surface Impoundments	40 CFR 270.17 Except as otherwise provided in § 264.1, owners and operators of facilities that store, treat or dispose of hazardous waste in surface impoundments must provide the following additional information: (d) A certification by a qualified engineer which attests to the structural integrity of each dike, as required under § 264.226(c). For new units, the owner or operator must submit a statement by a qualified engineer that he will provide such a certification upon completion of construction in accordance with the plans and specifications;		

Regulation Name	Signature/Certification Requirement	Authority	Signature
RCRA - CC - Air Emission Controls	40 CFR 270.27(a) Except as otherwise provided in 40 CFR 264.1, owners and operators of tanks, surface impoundments, or containers that use air emission controls in accordance with the requirements of 40 CFR part 264, subpart CC shall provide the following additional information: Documentation for each floating roof cover installed on a tank subject to 40 CFR 264.1084(d)(1) or 40 CFR 264.1084(d)(2) that includes information prepared by the owner or operator or provided by the cover manufacturer or vendor describing the cover design, and certification by the owner or operator that the cover meets the applicable design specifications as listed in 40 CFR 264.1084(e)(1) or 40 CFR 264.1084(f)(1). (2) Identification of each container area subject to the requirements of 40 CFR part 264, subpart CC and certification by the owner or operator that the requirements of this subpart are met. (4) Documentation for each floating membrane cover installed on a surface impoundment in accordance with the requirements of 40 CFR 264.1085(c) that includes information prepared by the owner or operator or provided by the cover manufacturer or vendor describing the cover design, and certification by the owner or operator that the cover meets the specifications listed in 40 CFR 264.1085(c)(1).		
RCRA - Planned Changes to Facility	40 CFR 270.30 (l) Reporting requirements. (1) Planned changes. The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility. ********** (7) Manifest discrepancy report: If a significant discrepancy in a manifest is discovered, the permittee must attempt to reconcile the discrepancy. If not resolved within fifteen days, the permittee must submit a letter report, including a copy of the manifest, to the Director. (See 40 CFR 264.72.)		
RCRA - Anticipated Permit Noncompliance	40 CFR 270.30(l)(2) The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements. For a new facility, the permittee may not treat, store, or dispose of hazardous waste; and for a facility being modified, the permittee may not treat, store, or dispose of hazardous waste in the modified portion of the facility except as provided in § 270.42, until: (i) The permittee has submitted to the Director by certified mail or hand delivery a letter signed by the permittee and a registered professional engineer stating that the facility has been constructed or modified in compliance with the permit; and …		
RCRA - Permit Transfer	40 CFR 270.30(l)(3) Transfers. This permit is not transferable to any person except after notice to the Director. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under RCRA. (See § 270.40)		
RCRA - Schedule of Compliance	40 CFR 270.33(a)(3) Reporting. The permit shall be written to require that no later than 14 days following each interim date and the final date of compliance, the permittee shall notify the Director in writing, of its compliance or noncompliance with the interim or final requirements.		

Regulation Name	Signature/Certification Requirement	Authority	Signature
RCRA - Class I Permit Modifications	40 CFR 270.42(a)(1) Except as provided in paragraph (a)(2) … the permittee may put into effect Class 1 modifications … under the following conditions: (i) The permittee must notify the Director concerning the modification by certified mail or other means that establish proof of delivery within 7 calendar days after the change is put into effect… (ii) The permittee must send a notice of the modification to all persons on the facility mailing list, maintained by the Director in accordance with 40 CFR 124.10(c)(viii), and the appropriate units of State and local government, a specified in 40 CFR 124.10(c)(ix)…		
	40 CFR 270.42(v) In the case of land disposal units, the permittee certifies that each such unit is in compliance with all applicable requirements of part 265 of this chapter for groundwater monitoring and financial responsibility on the date 12 months after the effective date of the rule identifying or listing the waste as hazardous, or regulating the unit as a hazardous waste management unit.		
RCRA - Remedial Action Plan	40 CFR 270.105 Both the owner and the operator must sign the RAP application and any required reports according to § 270.11(a), (b), and (c). In the application, both the owner and the operator must also make the certification required under § 270.11(d)(1). However, the owner may choose the alternative certification under § 270.11(d)(2) if the operator certifies under § 270.11(d)(1).		
RCRA - Suspension of Groundwater Monitoring	40 CFR 257.21(b) Ground-water monitoring requirements under §§ 257.22 through 257.25 may be suspended by the Director of an approved State for a unit identified in § 257.5(a) if the owner or operator can demonstrate that there is no potential for migration of hazardous constituents from that unit to the uppermost aquifer during the active life of the unit plus 30 years. This demonstration must be certified by a qualified ground-water scientist and approved by the Director of an approved State, and must be based upon: (f) For the purposes of this section, a qualified ground-water scientist is a scientist or engineer who has received a baccalaureate or post-graduate degree in the natural sciences or engineering and has sufficient training and experience in ground-water hydrology and related fields as may be demonstrated by State registration, professional Certifications, or completion of accredited university programs that enable that individual to make sound professional judgments regarding ground-water monitoring, contaminant fate and transport, and corrective-action.		
RCRA - Groundwater Monitoring Systems	40 CFR 257.22(d) The number, spacing, and depths of monitoring systems shall be: (2) Certified by a qualified ground-water scientist or approved by the Director of an approved State. Within 14 days of this certification, the owner or operator must notify the State Director that the certification has been placed in the operating record.		

Water

Regulation Name	Signature/Certification Requirement	Authority	Signature
SPCC	40 CFR 112.4 - ...discharge of more than 1,000 gallons of oil into or upon the navigable waters of the U.S. in a single spill event or discharged oil in harmful quantities...in two spill events in a year. 40 CFR 112.4(c) - The facility must submit a complete copy of all information to the Regional Administrator and to the state agency in charge of water pollution. No specific person designated for signatory responsibility.		
SPCC	40 CFR 112.5 - SPCC plans must be reviewed and amended whenever there is a change in facility design, construction, operation or maintenance which materially affects the potential for the discharge of oil. 40 CFR 112.5(c) - No amendment shall be effective to satisfy this requirement unless it has been certified by a Professional Engineer in accordance with 112.3(d).		
NPDES	40 CFR 122.21 - Any person who discharges or proposes to discharge pollutants…must submit a complete application to the Direction in accordance with this section and part 124. 40 CFR 122.22(a) All permit applications shall be signed as follows: for a corporation: by a responsible corporate officer or….The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions which govern the operations of the regulating facility .		
General Permit	40 CFR 122.28(b)(2) - "…dischargers seeking coverage under a general permit shall submit to the Director a written notice of intent to be covered by the general permit." 40 CFR 122.28(b)(2)(ii) - All notices of intent shall be signed in accordance with 122.22.		
Conditions for all permits	40 CFR 122.41(b) - If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. 40 CFR 122.41 (k) (1) All applications, reports, or information submitted to the Director shall be signed and certified. (See § 122.22).		
Conditions for all permits	40 CFR 122.41(l)(1) - The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility. No signature/certification specified.		
Conditions for all permits	40 CFR 122.41 (l)(2) - The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements. No signature/certification specified.		

Regulation Name	Signature/Certification Requirement	Authority	Signature
Conditions for all permits	40 CFR 122.41(l)(6) - "The permittee shall report any noncompliance which may endanger health or the environment." No signature/certification specified.		
Conditions for all permits	40 CFR 122.41(l)(3) - Notice must be given to EPA 30 days in advance for any transfer of a permit or change in name of the permittee. No signature/certification specified.		
Conditions for all permits	40 CFR 122.41(l)(8) - where the permittee becomes aware that it failed to submit any relevant facts in a permit application….it shall promptly submit such facts or information. No signature/certification specified.		
Additional conditions applicable to NPDES permits	40 CFR 122.42 (a)(1) - …all existing dischargers must notify the Director as soon as they know or have reason to believe that any activity has occurred or will occur which would result in the discharge…of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of specified 'notification levels'. No signature/certification specified.		
Establishing limitations, standards and other permit conditions	40 CFR 122.44 (i) (5) -Permits that do not require the submittal of monitoring result reports at least annually shall require that the permittee report all instances of noncompliance not reported under § 122.41 at least annually. No signature/certification specified.		
Effluent discharges to POTWs	40 CFR 403.12(b) - Reporting requirements for industrial users upon effective date of categorical pretreatment standard - baseline report. 40 CFR 403.12(l)((1)-(3) - The reports required by paragraphs (b), (d), and (e) shall include a certification statement as set forth in 403.6(a)(2)(ii) and shall be signed by: (1) a responsible corporate officer or the manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding $25 million; (2) a general partner or proprietor is the Industrial User submitting the reports is a partnership or sole proprietorship, or (3) a duly authorized representative of the individual designated in number (1) or (2).		
Effluent discharges to POTWs	40 CFR 403.12(d) - Report on compliance with categorical pretreatment standard deadline. Same as above		
Effluent discharges to POTWs	40 CFR 403.12(e) - Periodic reports on continued compliance Same as above		

Regulation Name	Signature/Certification Requirement	Authority	Signature
Effluent discharges to POTWs	40 CFR 403.12(f) - All categorical and non-categorical Industrial Users shall notify the POTW immediately of all discharges that could cause problems to the POTW. No signature/certification specified.		
Effluent discharges to POTWs	40 CFR 403.12(g) - Monitoring and analysis must be done to demonstrate continued compliance with pretreatment standards. 40 CFR 403.12 (g)(2) -If sampling performed by an Industrial User indicates a violation, the user shall notify the Control Authority within 24 hours of becoming aware of the violation.		
Effluent discharges to POTWs	40 CFR 403.12(h) - Industrial Users not subject to categorical Pretreatment Standards ...shall submit to the Control Authority at least once every six months a description of the nature, concentration, and flow of the pollutants required to be reported by the Control Authority. No signature/certification specified.		
Effluent discharges to POTWs	40 CFR 403.12(j) - All Industrial Users shall promptly notify the POTW in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the Industrial User has submitted initial notification. No signature/certification specified.		
Effluent discharges to POTWs	40 CFR 403.12(p) -The Industrial User shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities in writing of any discharge into the POTW of a substance which is a hazardous waste under 40 CFR 261. No signature/certification specified.		